

PTE/18/11

Development Management Committee  
21 March 2018

**County Matter: Minerals**

**Teignbridge District: Application under the Environment Act 1995: Review of Mineral Planning Conditions at Stoneycombe Quarry, Newton Abbot, TQ12 5LL**

**Applicant: Aggregate Industries Ltd**

**Application No: 15/03163/DCC**

**Date application received by Devon County Council: 12 October 2015**

Report of the Chief Planner

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

**Recommendation: It is recommended that the schedule of new conditions (as set out in Appendix II to this Report) be approved (with any subsequent non-material changes to the conditions being agreed in consultation with the Chair and Local Member).**

## **1. Summary**

- 1.1 This report relates to an application by Aggregate Industries for new conditions to be attached to the existing planning permissions at Stoneycombe Quarry, pursuant to the requirements of Section 14 of the Environment Act 1995 (Periodic Review of Mining Sites).
- 1.2 The main considerations in the determination of this application are to ensure that the new planning conditions continue to provide protection of water environment interests; maintain and improve the landscape of the area; protect nature conservation interests; protect the amenity of local residents; and minimise the impact of traffic during the restoration and future working of the site, within the constraints set down by the requirements of the Environment Act 1995.
- 1.3 The review application, representations received and consultation responses are available to view on the Council website under reference DCC/3663/2014 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3663/2014>
- 1.4 The application was reported to the previous Committee meeting on 24 January 2018 (PTE/18/3 refers). The applicant requested that the case be deferred so that further investigation could be made into noise monitoring at early hours (between 06.00 and 07.00). Further negotiations with the applicant have been now resulted in an agreed schedule of operating conditions.

## **2. The Proposal/Background**

### Background to the Review Process

- 2.1 Schedule 14 of the Environment Act 1995 introduced the power to allow Mineral Planning Authorities (MPAs) to review the conditions attached to mineral permissions relating to a mining site every 15 years. This process is known as a periodic review of a mineral permission. The purpose of the review is to ensure that mineral planning

permissions are subject to operating conditions that accord with up to date environmental standards and that the land covered by the permissions is promptly restored to an appropriate after-use once operations have permanently ceased. However, the Act is clear that MPAs are liable for compensation if they determine new conditions that differ from those submitted by the applicant or differ from the existing conditions (except for restoration and aftercare conditions) in such a way that they restrict working rights of the site.

#### Background to Stoneycombe Quarry

- 2.2 It is understood that quarrying at Stoneycombe began in the 1880s and more recently a number of mineral planning permissions were granted, dating from the 1940s.
- 2.3 Pursuant to the Environment Act 1995, a Review of Old Mineral Permissions (ROMP) was undertaken by the MPA in 1999. This reviewed all relevant planning consents issued between 1949 and 1982 and a new suite of modern operating and restoration conditions was agreed under which the quarry currently operates.
- 2.4 Stoneycombe Quarry is a limestone quarry extending to in excess of 50ha, located approximately 3.5km south of Newton Abbot, 2km south west of Kingskerswell and 1.5km south of Abbotskerswell. The area surrounding the site largely comprises agricultural land with scattered dwellings and farm buildings. There are small settlements including Dainton and North Whilborough and a golf course in the vicinity. The nearest dwellings are primarily located on Bickley Road and include Lower Bickley Mill (approximately 27m from the quarry at the closest point), Log House (approximately 73m from the site boundary), Brook Cottage (approximately 120m from the site) and Bickley Mill Inn (approximately 130m from the extraction area). The quarry site is bisected by a railway track on the Paddington to Penzance line which forms part of Network Rail's strategic network.
- 2.5 The site consists of two main areas either side of the railway line. Previously, the area to the north of the railway was used for extraction and comprises the site of a former silt press, silt lagoons and overburden tipping areas. Part of this area is fully restored to calcareous grassland (known as Tip 3/Lagoon 4), with the remaining section (known as Tip 6/Lagoon 3) having capacity for future tipping with final restoration to be to woodland.
- 2.6 The area to the south of the railway comprises the current extraction area and the plant site, which includes offices, workshops and stores, a concrete ready-mix plant and a weighbridge with a wheel cleaning facility. The lowest part of the extraction area has been excavated to a depth of 0m AOD and the mid-level to 50mAOD, with the intention that the quarry be progressively deepened to a final depth of -40m AOD. The north-western faces are now in the final stages of being formed and final restoration of the main extraction site will be to a large water void at approximately 30m AOD, reflecting the natural water table level without further pumping of water, with planting on the exposed benches.

#### Schedule of Conditions

- 2.7 The review application was the subject of Environmental Impact Assessment under the EIA Regulations 2011 due to the size of the site, and has been subject to protracted negotiations with the operator and consultees, resulting in a schedule of working and restoration conditions that differs from those submitted by the applicant. Commentary on the applicant's proposed conditions is provided in Appendix I, with the revised schedule of conditions proposed by the MPA set out in Appendix II. The

key reason for the amendments is the need to include conditions that would effectively monitor impacts on the water environment and provide for remediation if necessary, and protect the amenity of neighbouring properties in line with current modern standards. These impacts are discussed in Section 6 of this report.

### **3. Consultation Responses**

- 3.1 Teignbridge District Council (Planning) - No objection.
- 3.2 Teignbridge District Council (Environmental Health) - Observations and recommendations provided on the proposed conditions and arrangements for monitoring, including monitoring locations, maximum noise and vibration limits, and hours of blasting and operations.
- 3.3 Abbotskerswell Parish Council - Objects to the application. The Council raises concerns relating to flooding resulting from the scale of excavations affecting the water table and water flows; hydrological impacts on Wolborough Fen SSSI 2.5km to the north of the site; air quality impacts from dust, processing plant, blasting and transportation; and the in-combination effects with the South Devon Link Road and proposed housing.
- 3.4 Ipplepen Parish Council - No comments received (consulted on 11 November 2015).
- 3.5 Kingskerswell Parish Council - No comments received (consulted on 11 November 2015).
- 3.6 Environment Agency (EA) – No objection. The EA welcomed the improvements to the monitoring systems and has endorsed proposals in the quarry's annual hydrometric monitoring report for improved monitoring arrangements, and recommends that additional consideration is given to the effects of removal of the unsaturated zone on the timing of recharge and discharge events.
- 3.7 Natural England - No objection. Natural England advise that the proposal is unlikely to have a significant effect on any European site. However, it is recommended that the reason for proposed Condition A5 (lighting) is revised to include impacts upon greater horseshoe bat commuting habitats, and that further biodiversity enhancement be achieved through the restoration proposals.
- 3.8 Network Rail – No objection in principle. Network Rail advise that a condition which requires the submission of a scheme relating to a Safe System of Working (SSOW) be included within this periodic review that is better aligned to Network Rail's current safety policy.
- 3.9 South West Water – No comment.
- 3.10 Devon Karst Research Society – No comments received (consulted 11 November 2015).

### **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. The representatives of the quarry liaison group meeting were also informed. As a result of these procedures, one letter of representation was received which raised concerns regarding intentions to work an area of land referred

to at Whiddon Field which is adjacent to the application site. However, it should be noted that the mineral permission that previously related to Whiddon Field lapsed in 2012 and no further mineral development would take place on this area of land.

## **5. Planning Policy Considerations**

- 5.1 The principle of the use of the site for quarrying is already established through the existing planning permissions, and this application is a review of the planning conditions attached to those permissions. It is an opportunity for the MPA to ensure that the site is subject to operating conditions that accord with up to date environmental standards and that the land is restored to an appropriate after-use once operations have permanently ceased. In this context, appropriate regard should be given to the Development Plan unless material considerations indicate otherwise. In this case, the relevant Development Plan policies are:

### **Devon Minerals Plan: 2011–2033** (Adopted February 2017)

Policies M11: Steady and Adequate Supply of Land-won Aggregates; M16: Green Infrastructure; M17: Biodiversity and Geodiversity; M18: Landscape and Visual Impact; M19: The Historic Environment; M20: Sustainable Design; M21: Natural Resources; M22: Transportation and Access; M23: Quality of Life; M24: Flooding; M25: Land Stability; M26: Cumulative Effects; and M27: Restoration and Aftercare.

### **Teignbridge Local Plan 2013 – 2033** (Adopted May 2014)

Policies EN02A (Landscape Protection and Enhancement); EN05 (Heritage Assets); EN08 (Biodiversity Protection and Enhancement); EN09 (Important Habitats and Features); EC03 (Rural Employment); S01 (Sustainable Development Criteria); S01A (Presumption in favour of Sustainable Development); S02 (Quality Development); and S22 (Countryside).

### **Abbotskerswell Neighbourhood Plan 2016-2033** (Made November 2017).

## **6. Comments/Issues**

- 6.1 The main material considerations, within the constraints set down by the requirements of the Environment Act 1995, in the determination of this review application are considered below.

### Planning Policy Considerations

- 6.2 The National Planning Policy Framework sets out the Government's planning policies for England. Paragraphs 142-145 emphasise the essential importance of minerals, including the need to plan for a steady and adequate supply of aggregates, while emphasising the need to avoid unacceptable adverse impacts on the natural and historic environment and human health. Paragraph 144 refers to the need to control impacts from noise, dust and blasting, and more detailed guidance on these impacts is provided in the Government's Planning Practice Guidance.
- 6.3 The Devon Minerals Plan includes Policy M11: Steady and Adequate Supply of Land-won Aggregates which commits the Council to the maintenance of a minimum landbank for crushed rock aggregates. Enabling the continuation of limestone extraction at Stoneycombe assists in implementation of this policy.
- 6.4 As indicated in 5.1, the Devon Minerals Plan includes a range of development management policies to address specific impacts of mineral working, and the

proposals have been considered against these with reference made in the following paragraphs where applicable.

#### Water Environment (including Groundwater Monitoring)

- 6.5 The limestone rock, both at the quarry and in the surrounding area, is soluble and over many hundreds of thousands of years has been subject to dissolution which has produced a complicated underground drainage system (referred to as karst). The consented quarry operations have potential impacts on the water environment including the direct impact of the removal of limestone on the underground drainage; the impact on the underground drainage system by the dewatering the quarry; and the impact of discharging water into surface water into Bickley Stream.
- 6.6 To allow for the consideration of these issues, the application was accompanied by a Water Environment Impact Assessment (incorporating a Flood Risk Assessment) as part of the Environmental Statement.
- 6.7 There is a current scheme in place which requires annual monitoring of the related streams in the area. The site operates a system of dewatering the extraction area with a sump and pumping discharges into Bickley Stream. Pumping can be up to 3,900m<sup>3</sup>/day and this could significantly increase natural winter peaks within the associated watercourse. Should extraction continue to -40m AOD, the requirement to dewater will further increase and could have a significant environmental impact on the local water environment.
- 6.8 A series of recommendations have been proposed through a technical note attached to the Water Environment Impact Assessment. These measures included a capacity check of the receiving watercourse with a water trigger level through a gauge board (measuring stream levels). The recommendations have been reviewed by the Council in its role as Lead Local Flood Authority and considered to be appropriate, and will be secured by a planning condition.
- 6.9 The current Groundwater Monitoring Scheme was provided in 1998 and requires that the scheme is reviewed when working depth is lowered by 15m. This is no longer considered appropriate given the current depth of working is currently at 0m AOD and proposed reach a depth of -40m AOD. A 15m action threshold is not considered to offer adequate control and protection of the local water courses.
- 6.10 It is therefore required that an updated Groundwater Monitoring Scheme is submitted to develop assessment of the water balance, determine action thresholds and further assess potential impacts and action thresholds. The revised scheme can also deliver the recommendations provided in the Flood Risk Assessment and achieve consistency with Policies M21 and M24 of the Devon Minerals Plan. This is reflected in Condition 22 of the conditions schedule (Appendix II).

#### Amenity of Local Residents

- 6.11 Operating conditions are in place to protect local residents from the potential effects of working and restoring the quarry in line with Policy M23 of the Devon Minerals Plan and include conditions relating to ground borne vibration/air overpressure, dust, hours of working, lorry sheeting, noise limitations, use of effective silencers and a monitoring regime within an approved environmental scheme.
- 6.12 The review application proposes a revised environmental scheme which offers a greater degree of monitoring than the previously approved scheme secured in 2001.

A number of changes have been made to the conditions to reflect current environmental protection standards, as reflected in Conditions 3, 4 and 6-12 of the conditions schedule (Appendix II). To secure this, the new conditions require the submission and approval of an updated environmental scheme to reflect the contents of the amended operational conditions.

- 6.13 With regards to noise, Mineral Planning Practice Guidance advises that, subject to a maximum of 55dB(A)LAeq,1h (freefield), mineral planning authorities should aim to establish noise limits at noise sensitive properties that do not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the operator. In such cases, the limit set should not exceed 55dB(A) and should be as near that level as practicable during normal working hours (07.00-19.00). During overnight hours (22.00 to 07.00), the Guidance advises that the noise limit should not exceed 42dB(A)LAeq,1h (freefield), which is reflected in the Condition 11 proposed in Appendix II.
- 6.14 Further negotiation regarding appropriate noise limits for early hours working (06.00 to 07.00) was requested by the operator, resulting in deferral of the application at the last meeting. This was to allow flexibility should the operator seek to install a new asphalt or concrete plant at the site, as was present in 2002. These discussions have resulted in amended wording to allow flexibility regarding the maximum 42dB(A) limitation subject to a revised noise monitoring scheme, and this is reflected in Condition 11 (Appendix II).

#### Nature Conservation/Habitats

- 6.15 An ecological impact assessment was included in the Environmental Statement accompanying the application. The application site is 10 km from a European designated site, the South Hams Special Area of Conservation (SAC), but includes two associated strategic bat flyways. The Council has carried out a screening assessment under the Habitats Regulations which concludes that, subject to the control of lighting (which is secured by a planning condition), the development will not have any likely significant effects, either alone or in combination with other plans or projects.
- 6.16 The quarry is also approximately 2.5km from Wolborough Fen Site of Special Scientific Interest (SSSI), which is principally groundwater fed. The impact on the SSSI was assessed in the Water Environment Impact Assessment, which found that there to be no detrimental impacts associated with runoff or groundwater upon the SSSI.
- 6.17 Given the above, the Council is satisfied that the conditions in place meet the requirements of Policy M17 of the Devon Minerals Plan and provide appropriate protection in terms of nature conservation and habitats, subject to a minor amendment to condition 5 relating to lighting at the site and a need for a scheme should any floodlighting be installed. Condition 18 relating to timing of clearing of vegetation further retains protection.

#### Traffic and Transportation

- 6.18 A transport statement was included in the Environmental Statement accompanying the application. Traffic accessing the site would continue to utilise the existing access and C class county road network, and mineral waste tipping vehicles are to continue to use the existing access track to the south of Maddacombe Terrace.

Recent improvement works have been completed regarding drainage on the access track to the tipping area, and this is deemed acceptable in providing protection from run off on the highway. The application does not alter the numbers of vehicular trips generated by the quarry and there are no conditions to review that relate to HGV numbers.

- 6.19 Given the above the Council considers that the proposed development would not have any adverse effects on the safety or capacity of the highway network. The revised scheme dated 2 October 2015 offers continued protection measures with regard to mud and dust and that this is secured through Condition 6 (Appendix II).

#### Impact on the Railway Track

- 6.20 The site is intersected by the Paddington to Penzance strategic rail line. A system to ensure protection of the rail track against flyrock from blasting activities has been in place since the Schedule 13 review in 1999. Network Rail have requested that this system is updated and have made a number of recommendations. Further negotiation is needed in this regard, and it is therefore proposed to include a condition (Condition 23 in Appendix II) that ensures an acceptable scheme be supplied within 12 months of the date of the decision notice to the agreement of the Council that address the concerns of Network Rail. The scheme is required to provide locations for the monitoring of blasting along the line, provide a series of geo-technical surveys for the adjacent embankment, and modernise the threshold measurements for activation of procedures. In the meantime, the rail line will continue to be protected through the currently-approved scheme.

#### Restoration and Landscape

- 6.21 A landscape and visual impact assessment was included in the Environmental Statement accompanying the application. The application does not propose a change in as the working of the quarry which would alter its impact on the landscape. The proposed restoration schemes would, over time, help integrate the quarry site into the landscape, particularly as the tree planting and other vegetation becomes established, and meet the requirements of Policies M18 and M27 of the Devon Minerals Plan.
- 6.22 There are proposed operating conditions in place to ensure protection of the landscape and the restoration plan. They include replacement and maintenance of trees or shrubs which may be damaged, an aftercare scheme, and ensuring restoration in accordance with the approved restoration plan. These are secured through Conditions 18-21 (Appendix II).

#### Requirements of the Environment Act 1995

- 6.23 The County Council is required to consider the recommended conditions in the light of paragraph 13 of Schedule 14 of the Environment Act 1995 and whether the conditions would restrict the working rights of the site to an unreasonable degree. In having regard to the Act and in the case of this submission, the recommended conditions should not restrict the working rights of Stoneycombe Quarry and are considered to be reasonable.

#### Other Matters

- 6.24 The objections of Abbotskerswell Parish Council are noted, but members will need to take into consideration that this is not an application that proposes new development,

rather it is a review of the existing conditions attached to the mineral planning permissions. It is considered that the proposed new conditions appropriately protect the water environment and the amenity of the area.

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

- 7.1 Unlike planning applications, the Committee does not have the option of refusing this planning review application, but is entitled to impose conditions that differ from those applied to previous permissions for the site or to impose conditions that vary from those submitted by the applicant. However, any new conditions that may adversely affect the asset value of the site (e.g. a limitation on the depth of working) are liable to compensation, while the operator has the option of appealing against conditions that differ from those that they submitted.
- 7.2 In the event that the Committee fail to determine new conditions through this review, the quarry would continue to operate under its current planning permission. The council would therefore have to rely on the conditions approved in 1999 that do not fully reflect current standards of environmental protection.
- 7.3 The proposed conditions differ from those that were submitted by the operator, but the Council's reasoning is provided in Appendix I. It is considered that the conditions provided in Appendix II allow for an acceptable restoration and aftercare of Stoneycombe Quarry, and that the proposed operating conditions accord with current environmental standards and would offer further protection to the amenity of nearby residents. The approval of these conditions provides for better planning control, and it is therefore considered that they should be approved in accordance with the recommendation to this report.

Dave Black  
Head of Planning, Transportation and Environment

## **Electoral Division: Ipplepen & The Kerswells**

### Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/3663/2014

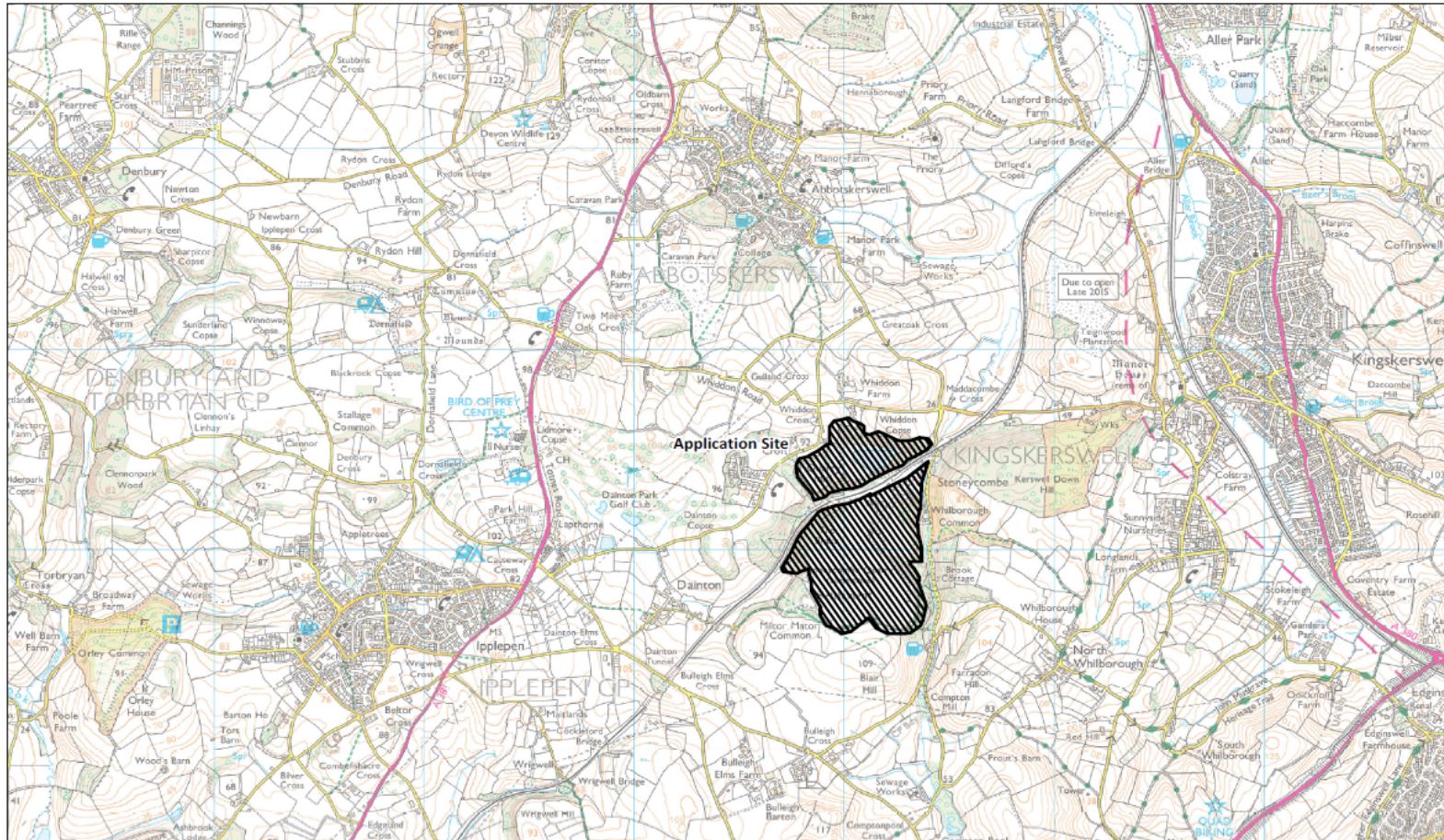
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sc/cr/Review of Mineral Planning Conditions Stoneycombe Quarry Newton Abbot

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## Location Plan



Head of Planning,  
Transportation  
and Environment

Development Management Committee

County Matter Minerals  
Teignbridge District Council: Application under the Environment Act 1995:  
Review of Mineral Planning Conditions at Stonecombe Quarry,  
Newton Abbot, Stonecombe, TQ12 5LL

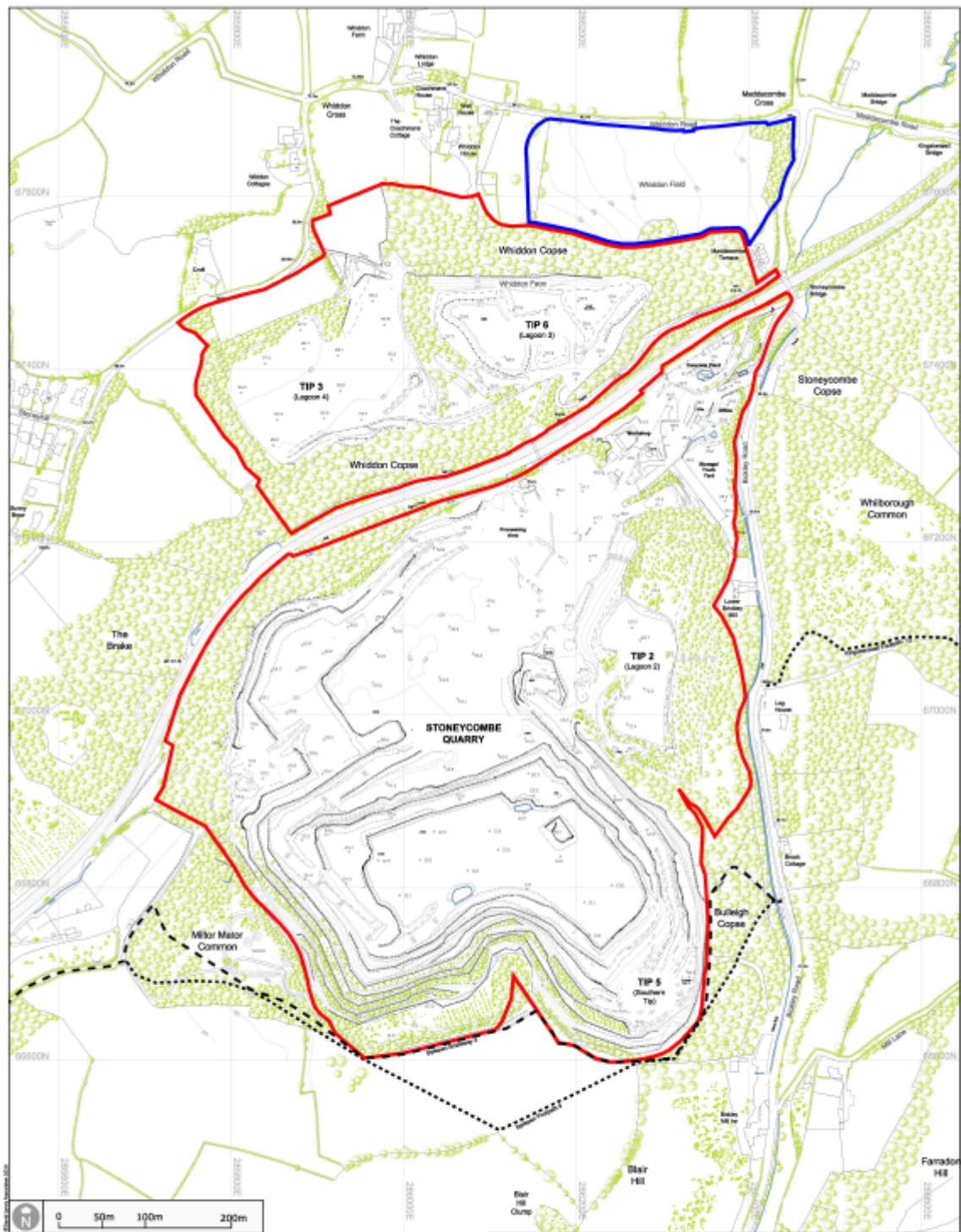
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April 2016

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Application No:  
15/03163/DCC



## Site Plan



<p><b>KEY</b></p> <p>Boundary: ROMP Site</p> <p>Existing Vegetation</p>	<p>Existing Contour</p> <p>Existing Spot Level</p>	<p>Existing Quarry Faces</p> <p>Public Footpath and Reference</p>	<p>Public Bridgeway and Reference</p>
<p><b>Revision:</b></p> <p>A 03/07/25 Drawing updated.</p>	<p><b>Location</b></p> <p>STONEYCOMBE QUARRY</p>	<p><b>Drawing Title</b></p> <p>EXISTING CONDITIONS</p>	
<p><b>Header</b></p> <p>Drawing based on: 45 Existing Reference Development Transfer/45, dated 19/03/14 &amp; 14/04/2020 Amendment/Existing Reference 2007/19, dated 19/03/2020</p>	<p><b>Project</b></p> <p>PERIODIC REVIEW OF MINERAL PERMISSION</p>	<p><b>Scale</b></p> <p>1:2000</p> <p><b>Sheet Size</b></p> <p>A1</p> <p><b>Issue No.</b></p> <p>2306/ROMP/2</p>	<p><b>Date</b></p> <p>JUL 2014</p> <p><b>Rev. A</b></p>

Conditions Schedule Existing/Proposed/Comment

**Application under the Environment Act 1995: Review of Mineral Planning Conditions at Stoneycombe Quarry, Newton Abbot, TQ12 5LL**

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 [with due regard to Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017]

**SCHEDULE A** - Applied to the Mineral Site (whole site area excluding area known as Whiddon Field)

Existing Condition	Proposed Condition	Comment
<b>TIME LIMITS</b>		
<b>Condition A1</b> The development to which this section of the Decision Notice relates shall cease and the Mineral Site shall be restored in accordance with the requirements of Condition A23 not later than 22nd February 2042, unless otherwise agreed in writing with the Mineral Planning Authority.	<b>Condition A1</b> The development to which this decision notice relates shall cease not later than the 22nd February 2042 and the site shall be restored in accordance with the requirements of Condition A23 and Condition A24.	No change. An end date is required to secure restoration in accordance with Devon Minerals Local Plan policy M27 and comply with Schedule 5 of the Town and Country Planning Act 1990. No other regulatory regime can control this. <b>Recommend condition is ACCEPTED and the consent re-issued with existing wording. Condition 1 (Appendix II) relates.</b>
<b>Condition A2</b> No development shall be carried out other than in strict accordance with the Approved Plans referenced 507/PL1, 507/PL2, 507/PL3, 507/PL4, 507/PL5, 507/PL6 and 507/PL7, unless otherwise agreed in writing with the Mineral Planning Authority,	<b>Condition A2</b> No development shall be carried out other than in strict accordance with the following approved plans: <ul style="list-style-type: none"> <li>• 2306/ROMP/3A dated July 2014</li> <li>• 2306/ROMP/4A dated July 2014</li> <li>• 2306/ROMP/5A dated July 2014</li> <li>• 2306/ROMP/6A dated July 2014</li> </ul>	Significant change in wording, however plans broadly similar as previously approved. Development must progress through approved plans to ensure protection of the locality in accordance with Devon Minerals Plan policies M16, M17, M18, M24 and M27. Revised plans accurately reflect current conditions, current working practices and proposed changes to restoration. <b>Recommend proposed condition is ACCEPTED and the consent re-issued with the amended plans to accurately reflect the development. Condition 2 (Appendix II) relates.</b>
<b>HOURS OF WORKING</b>		
<b>Condition A3</b> No face working or primary crushing operations hereby permitted shall be carried out other than between 0600 to 1800 hours Mondays to Fridays inclusive; 0600 to 1300 hours on Saturdays and no such operations shall take place on Sundays or on the following public holidays; <ul style="list-style-type: none"> <li>i New Year's Day</li> <li>vi Summer Bank Holiday</li> <li>ii Good Friday</li> <li>vii Christmas Day</li> <li>iii Easter Monday</li> <li>viii Boxing Day</li> <li>iv May Day Holiday</li> </ul>	<b>Condition A3</b> No face working or primary crushing operations shall be carried out other than between 0600 and 1800 hours Mondays to Fridays inclusive and between 0600 and 1300 hours on Saturdays. No such operations shall take place on Sundays or on the following public holidays; <ul style="list-style-type: none"> <li>• New Year's Day</li> <li>• Good Friday</li> <li>• Easter Monday</li> <li>• May Day Holiday</li> <li>• Spring Bank Holiday</li> <li>• Summer Bank Holiday</li> <li>• Christmas Day</li> </ul>	Minor wording amendment. Removal of "unless previously agreed in writing with the Mineral Planning Authority". Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). Recommend days of working are maintained to protect amenity in the locality in accordance with Devon Minerals Plan policy M23. Recommend the following for clarity: <i>"For the avoidance of doubt: This Condition shall not apply to the operation of the other processing plant, the coating plant, the concrete batching plant or the concrete works providing compliance is achieved with Condition 11 i) (c) during the hours of 2200 – 0700."</i>  <b>Recommend that proposed condition is ADJUSTED as above and the consent re-issued with the minor amended wording and existing days</b>

Existing Condition	Proposed Condition	Comment
<p>v Spring Bank Holiday</p> <p>ix Such other public holidays as may be subsequently declared</p> <p>unless previously agreed in writing with the Mineral Planning Authority.</p> <p>This Condition shall not operate so as to prevent the carrying out, outside these working hours of essential maintenance to plant and machinery within the Mineral Site, or the operation of pumps and ancillary machinery for water management purposes.</p>	<ul style="list-style-type: none"> <li>• Boxing Day</li> <li>• Such other public holidays as may be subsequently declared.</li> </ul> <p>This condition shall not prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery within the mineral site or the operation of pumps and ancillary machinery for water management purposes.</p> <p>(For the avoidance of doubt, this condition shall not apply to the operation of the other processing plant, the concrete batching plant, loading of lorries or other permitted operations that are not addressed by the ROMP permission.)</p>	<p><b>of working maintained in accordance with Environmental Protection Act 1990. Condition 3 (Appendix II) relates.</b></p>
<b>LORRY SHEETING</b>		
<p><b>Condition A4</b></p> <p>All loaded lorries leaving the Mineral Site, except for vehicles less than three and a half tonnes gross vehicle weight, part loaded large articulated lorries and lorries carrying stones in excess of 75mm, shall be adequately sheeted to secure their loads.</p>	<p><b>Condition A4</b></p> <p>Except for vehicles less than three and a half tonnes gross vehicle weight, part loaded large articulated lorries and lorries carrying stone in excess of 75mm in any dimension, all loaded lorries leaving the mineral site shall be adequately sheeted.</p>	<p>Minor wording amendment.</p> <p>Recommend sheeting of HGV's are maintained to protect amenity in the locality in accordance with Devon Minerals Plan policies M17 and M23.</p> <p>Revised wording doesn't weaken the intention of the condition.</p> <p><b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the minor amended wording and existing days of working maintained. Condition 4 (Appendix II) relates.</b></p>
<p><b>Condition A5</b></p> <p>No additional external floodlighting shall be used on any part of the Mineral Site unless previously agreed in writing with the Mineral Planning Authority. Any such agreed scheme shall only be modified with the written approval of the Mineral Planning Authority.</p>	<p><b>Condition A5</b></p> <p>Prior to the erection of any new external floodlighting on any part of the mineral site, a floodlighting scheme shall be submitted for the written approval of the mineral planning authority.</p>	<p>Minor wording revision.</p> <p>Recommend requirements of lighting are maintained to protect amenity in the locality in accordance with Devon Minerals Plan policies M23 and M17 and that the condition is updated to include "Reason: To protect the amenities and wildlife habitat (including bat flight lines and foraging habitat) of the surrounding area."</p> <p><b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the minor amended wording and a lighting scheme be submitted if required. Condition 5 (Appendix II) relates.</b></p>
<p><b>Condition A6</b></p> <p>Unless otherwise agreed in writing with the Mineral Planning Authority, within 12 months of the date of this Decision Notice, schemes shall be submitted for approval to the Mineral Planning Authority for the suppression of dust and mud from operations not controlled by Conditions of Authorisation required by the Environmental Protection Act 1990.</p> <p>Following approval of the schemes (or such other</p>	<p><b>Condition A6</b></p> <p>The suppression of dust and mud from operations not otherwise controlled by the conditions of an authorisation required by the Environmental Protection Act 1990 shall be carried out in accordance with the approved environmental scheme prepared by Advance Environmental and dated 2nd October 2015.</p>	<p>Significant change.</p> <p>Revised scheme dated 2 October 2015 offers continued protection measures with regard to mud and dust. However other requirements as part of environmental scheme prepared by Advance Environmental dated 2nd October 2015 are required to be amended (namely noise).</p> <p>Recommend protection in regard to mud and dust is maintained in accordance with Devon Minerals Plan policy M23 and the scheme is resubmitted and revised.</p> <p><b>Recommend that original condition is ADJUSTED and consent reissued. Condition 6 (Appendix II) relates.</b></p>

Existing Condition	Proposed Condition	Comment
schemes as may be agreed in writing with the Mineral Planning Authority) the development shall only be carried out in accordance with the Approved Schemes which shall be complied with at all times,		
<b>BLASTING</b>		
<b>Condition A7</b> When carrying out blasting operations, the developer shall minimise the propagation of ground-borne vibration beyond the perimeter of this part of the Mineral Site and shall ensure that all blasting procedures are planned and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv) shall be less than 10mm per second (at the 95% confidence level) measurable at any building not under the control of the developer used for human habitation located outside the site.	<b>Condition A7</b> When carrying out blasting operations, the developer shall minimise the propagation of ground-borne vibration beyond the boundary of the mineral site and shall ensure that all blasting procedures are planned and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv), shall be less than 10mm per second (at the 95% confidence level) as measured at any building not under the control of the developer, used for human habitation and located outside the site.	No change to condition. Existing consent limitation is below that which is likely to cause appreciable structural damage (50mms/second) or the onset of cosmetic damage (25mm/second). However, human perception of magnitude of blast is set considerably lower. British Standard BS 6472-2: 2008 recommends an absolute limit of 12mm/second at residential properties but a target of 6mm/s from any inhabited property. A further reduction below that of the existing condition could limit working rights. <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the proposed condition in accordance with Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance. Condition 7 (Appendix II) relates.</b>
<b>Condition A8</b> Unless otherwise agreed in writing with the Mineral Planning Authority, and unless as may be necessary for reasons of safety, the number of blasting episodes shall not exceed three in any one day.	<b>Condition A8</b> Unless it is necessary in an emergency or for reasons of safety, the number of blasting episodes shall not exceed three per day.	Minor wording amendment. Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and public amenity is protected in accordance Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance. Condition 8 (Appendix II) relates.</b>
<b>Condition A9</b> When carrying out blasting operations, the developer shall minimise the propagation of airborne vibration outside the site.	<b>Condition A9</b> When carrying out blasting operations, the developer shall minimise the propagation of air-borne vibration outside the site.	No change to existing condition proposed by applicant. Condition is not precise or enforceable and therefore not compliant with the NPPF in terms of necessity (paragraph 206). Recommend that the wording is reconsidered to the following: “When carrying out blasting operations, the developer shall adopt best practicable means to minimise the propagation of airborne vibration beyond the boundary of the site to ensure that the noise from blasting does not exceed 120 dB at any building used for human habitation not under the direct control of the developer.” <b>Recommend that proposed condition is ADJUSTED with above wording in accordance Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance. Condition 9 (Appendix II) relates.</b>
<b>Condition A10</b> Except as may be necessary for reasons of safety, no blasting shall be carried out other than between 0900 and 1630 hours on Mondays to Fridays and between 0900 and 1300 hours on	<b>Condition A10</b> Except in an emergency or as may be necessary for reasons of safety, no blasting shall be carried out other than between 0900 and 1630 hours on Mondays to Fridays inclusive and between 0900	Minor wording amendment. Introduction of “emergency” and removal of “together with an explanation.” Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent</b>

Existing Condition	Proposed Condition	Comment
Saturdays. No blasting shall take place on Sundays nor on the public holidays set out in Condition A3. The developer shall inform the Mineral Planning Authority in writing within 48 hours of any occurrence outside these times, together with an explanation.	and 1300 hours on Saturdays. No blasting shall take place on Sundays nor on the public holidays set out in condition A3. The developer shall inform the mineral planning authority in writing within 48 hours of any occurrence outside these times.	<b>re-issued with the amended wording and public amenity is protected in accordance Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance. Condition 10 (Appendix II) relates.</b>
-	<b>Condition A11</b> The monitoring of ground vibration and the effect of blasting on the ground adjacent to the main railway line shall be carried out in accordance with the approved environmental scheme prepared by Advance Environmental and dated the 2nd October 2015.	Significant change. Revised scheme dated 2 October 2015 offers continued protection measures. However, it increases the maximum to 12mms- PPV this is not in accordance with the operational condition (proposed Condition 7) which provides a maximum of 10mms - PPV. Increased monitoring procedures should be considered in the scheme relating to blasting next to the railway. Suggest that ground vibration from every blast will be monitored at the three seismograph locations and in accordance with the requirements of Network Rail. The blast will be monitored using a three plane seismograph and recorded electronically. Recommend protection measures in regard to blasting are increased to take account of current environmental information and concern generated in accordance with Devon Minerals Plan policy M23. <b>Recommend that proposed condition is OMITTED terms of the content of the revised scheme dated 2 October 2015, with proposed Condition 23 (Appendix II) to require submission of a revised monitoring scheme.</b>
<b>NOISE</b>		
<b>Condition A11</b> i) Noise levels from any or all plant, equipment and quarrying operations within the Mineral Site, as measured at any building used for human habitation not under the direct control of the developer, shall not exceed the following limits, expressed as an LAeq 1 hour (freefield); a) 50dB (freefield) for the period 0600 to 1700 hours; b) 52dB (freefield) for the period 0700 to 1900 hours; c) 50dB (freefield) for the period 1900 to 2200 hours; d) 42dB (hefield) for the period 2200 to 0600 hours.  ii) Noise limits shall not apply to audible safety devices required by statutory Health and Safety Regulations (ie audible reversing alarms fitted to mobile plant or audible warnings which precede or follow blasting).	<b>Condition A12:</b> i. Noise levels from any or all plant, equipment and quarrying operations within the mineral site, as measured at any building used for human habitation not under the direct control of the developer, shall not exceed the following limits, expressed as an LAeq 1 hour (freefield): a. 50dB (freefield) for the period 0600 to 0700 hours; b. 55dB (freefield) for the period 0700 to 2200 hours; c. 42dB (freefield) for the period 2200 to 0600 hours.  ii. Noise limits shall not apply to audible safety devices required by statutory Health and Safety Regulations (i.e. audible reversing alarms fitted to mobile plant or audible warnings which precede or follow blasting).	Significant change to condition. Proposed condition relaxes the noise limitations currently in place, which is not justified in terms of existing guidance. MPA recommends noise limits are reviewed to protect amenity in the locality in accordance with Devon Minerals Plan policy M23 and Minerals Planning Practice guidance which recommends: 0700 hours to 1900 hours No more than 10dB above background (to a max of 55dB) 1900 hours to 2200 hours No more than 10dB above background (to a max of 55dB) 2200 hours to 0700 hours Minimise adverse impacts (to a max of 42dB) (Paragraph: 021 Reference ID: 27-021-20140306) <b>Recommend that proposed condition is ADJUSTED and the consent re-issued without the proposed decibel changes but with updated hours in accordance with Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance and current requirement from Teignbridge Environmental Health department. Condition 11 (Appendix II) relates.</b>  <b>MPA considers revised wording (dated 12 February 2018) appropriate</b>

Existing Condition	Proposed Condition	Comment
<p>iii) The Mineral Planning Authority shall be powered to relax the noise limits over a restricted period on application from the developer provided that it is satisfied that such a relaxation is necessitated by any abnormal requirements of the quarrying operations and that such relaxation shall not cause undue disturbance to the locality by way of noise.</p> <p>The noise limits referred to in (i) may be exceeded where emergency action is essential to the safety of the works, employees of the works, or members of the public.</p>	<p>The noise levels referred to in (i) may be exceeded if emergency action is required.</p> <p><b>Operator requested introduction of following wording (dated 12 February 2018):</b></p> <p><i>The Mineral Planning Authority shall be empowered to relax the noise limits over a specified period on submission of a noise monitoring scheme by the developer provided that it is satisfied that such a relaxation is necessitated by any specific requirements of the quarrying and/or ancillary operations.</i></p>	<p><b>to allow operator flexibility should not there be no concern for amenity in the locality.</b></p>
<p><b>Condition A12</b></p> <p>All plant, machinery and vehicles used in the Mineral Site shall be fitted with and use effective silencers (or such other effective methods of sound proofing). These shall be used and maintained in accordance with the manufacturers specifications at all times.</p>	<p><b>Condition A13</b></p> <p>All plant, machinery and vehicles used in the mineral site shall be fitted with and use effective silencers (or such other effective methods of sound proofing). These shall be used and maintained in accordance with the manufacturers' specifications at all times.</p>	<p>No change. Minor word amendment.</p> <p>Recommend the removal of word "effective". Removal of wording required for condition to be compliant with the NPPF in terms of precision (paragraph 206).</p> <p>Recommend protection measures are maintained in accordance with Devon Minerals Plan policy M23.</p> <p><b>Recommend that proposed condition is ACCEPTED and the consent re-issued and protection measures are maintained. Condition 12 (Appendix II) relates.</b></p>
<p><b>REVISED SCHEME</b></p>	<p><b>Condition A14</b></p> <p>The monitoring of noise shall be carried out in accordance with the approved environmental scheme prepared by Advance Environmental and dated the 2nd July 2001.</p>	<p>Significant change.</p> <p>Revised scheme dated 2 October 2015 offers continued protection measures in regard to noise. Monitoring procedures in the revised scheme increased. However, contents must reflect the accurate noise limitations.</p> <p>Environmental scheme prepared by Advance Environmental required to be resubmitted. Recommend protection in regard to noise in accordance with Devon Minerals Plan policy M23.</p> <p><b>Recommend that proposed condition is OMITTED and the consent re-issued without the revised scheme dated 2 October 2015, with proposed Condition 23 (Appendix II) to require submission of a revised monitoring scheme.</b></p>
<b>PROTECTION OF WATER RESOURCES</b>		
<p><b>Condition A13</b></p> <p>Any facilities for storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to 110% of the capacity of the tank. If there is multiple tankage the compound shall be at least equivalent to 110% of the capacity of the largest tank. All filling points, vents and sight glasses shall be located within the bund. The</p>	<p><b>Condition A15</b></p> <p>Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to 110% of the capacity of the tank. If there are multiple tanks, the compound shall be at least equivalent to 110% of the capacity of the largest tank. All filling points, vents and sight glasses must be located within the bund. The drainage system of</p>	<p>No change. Minor word amendment.</p> <p>Removal of "best practicable means". Removal of wording required for condition to be compliant with the NPPF in terms of enforceability (paragraph 206).</p> <p>Condition necessary to in order to maintain protection of the natural resources and watercourses of the locality in accordance with Devon Minerals Plan specifically policy MP21.</p> <p><b>Recommend that condition is ACCEPTED and consent re-issued with protection measures maintained. Condition 13 (Appendix II) relates.</b></p>

Existing Condition	Proposed Condition	Comment
drainage system of the bund shall be sealed with no outlets to any watercourse, land or underground strata. The facility shall be maintained in good order so that no significant amounts of fluids lie within the bund area and all fluids removed from the bund area shall be disposed of using best practicable means so as to minimise the risk of pollution.	the bund area shall be sealed with no outlet to any watercourse, land or underground strata. The facility shall be maintained in good order so that no significant amounts of fluid lie within the bund area and all fluids removed from the bund area shall be disposed of appropriately.	
<b>RECORDING OF ARCHAEOLOGICAL AND HISTORIC FEATURES</b>		
<b>Condition A14</b> The developer shall give the Mineral Planning Authority a minimum of 14 days' notice of the commencement of any soil stripping work and shall afford access at all reasonable times to archaeologists nominated by the Mineral Planning Authority who shall be allowed to investigate and record during this period and to observe the excavations and record items of interests and finds.	<b>Condition A16</b> The developer shall give the mineral planning authority a minimum of 14 days' notice of the commencement of any soil stripping work and shall afford access at all reasonable times to archaeologists nominated by the mineral planning authority. The archaeologists shall be allowed to observe the excavations and record items or finds of interest.	Minor change in wording to improve clarity. Condition necessary to in order to maintain protection of the historic environment in accordance with Devon Minerals Plan specifically policy M19. <b>Recommend that condition is ACCEPTED and consent re-issued with protection measures maintained. Condition 14 (Appendix II) relates.</b>
<b>Condition A15</b> All caves which are exposed during quarrying operations shall be inspected, surveyed, photographed, and recorded by appropriate persons using an established code of practice the details of which shall be agreed in writing with the Mineral Planning Authority within six months of the date of this Decision Notice.	<b>Condition A17</b> All caves which are exposed during quarrying operations shall be inspected, surveyed, photographed and recorded by appropriate persons using an established code of practice.	Minor wording amendment. Removal of "unless otherwise agreed in writing with the Mineral Planning Authority within six months of the date of this Decision Notice". Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and public amenity is protected in accordance Devon Minerals Plan policy M23 and Minerals Planning Practice Guidance. Condition 15 (Appendix II) relates.</b>
<b>Condition A16</b> All soil stripping, regrading, subsoiling and spreading of soils and their cultivation shall be carried out during periods of dry soil conditions.	<b>Condition A18</b> Soils shall be stripped, regraded, spread and cultivated when the soils are relatively dry.	Minor wording amendment. Change of wording to from "during periods of dry soil" to "when the soils are relatively dry". Wording amendment "relatively dry" is unspecific, and retention of original wording is preferred. <b>Recommend that proposed condition is AMENDED and incorporated into proposed Condition16 (Appendix II) and the consent re-issued.</b>
<b>Condition A17</b> Topsoil heaps shall not exceed 4 metres in height unless otherwise agreed in writing with the Mineral Planning Authority, and shall be graded, sown with appropriate grass and wildflower mix and mown or grazed where necessary.	<b>Condition A19</b> Topsoil heaps shall not exceed 4 metres in height and shall be graded, sown with appropriate grass and wildflower mix and mown or grazed where necessary.	Minor wording amendment. Removal of "unless otherwise agreed in writing with the Mineral Planning Authority". Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and soil protection measures are maintained (with additional reference to soil operations as indicated above). Condition 16 (Appendix II) relates.</b>



Existing Condition	Proposed Condition	Comment
<b>Condition A18</b> Prior to the carrying out of the first impact assessment required by the provisions of the groundwater monitoring scheme to be implemented within the terms of Condition A26 (or within such other period of time as may have been agreed in writing by the Mineral Planning Authority) an amended landscaping scheme detailing the establishment of appropriate limestone habitats and species within the site area shall be submitted for the approval of the Mineral Planning Authority.	<b>Removed</b> <b>No longer relevant – calcareous grassland provided</b>	<b>Recommend that removal of proposed condition is ACCEPTED and the consent re-issued without the condition given that vegetation is established.</b>
<b>Condition A19</b> Within three years of the date of this Decision Notice an ecological survey of the Mineral Site shall be carried out and submitted to the Mineral Planning Authority. This survey shall be used to provide the base data for the amended landscaping scheme to be submitted within the terms of Condition A18 above.	<b>Removed</b> <b>Ecological survey was provided</b>	<b>Recommend that removal of proposed condition is ACCEPTED and the consent re-issued without the condition given that the ecological survey was provided.</b>
<b>Condition A20</b> No clearing of vegetation shall take place within the site during the bird nesting season (15th March to 31st July), unless supervised by an ecologist.	<b>Condition A20</b> No clearing of vegetation shall take place within the site during the bird nesting season (15th March to 31st July), unless supervised by an ecologist.	No change. Condition necessary to in order to protect environment in terms of landscape and biodiversity in accordance with Devon Minerals Plan specifically policies M18 and M17. Amendment of wording does not change intention of the condition. <b>Recommend that proposed condition is ACCEPTED and the consent re-issued so that protection measures for vegetation are maintained. Condition 17 (Appendix II) relates.</b>
<b>LANDSCAPING</b>		
<b>Condition A21</b> Until such a time as they are directly affected by quarrying operations, all trees, shrubs and areas of vegetation within the Mineral Site shall be retained and managed. Existing trees and shrubs on the Mineral Site which are not directly affected by quarrying Operations shall be retained and protected during the period of the development.	<b>Condition A21</b> Until such time as they are directly affected by quarrying operations, all trees, shrubs and areas of vegetation within the mineral site shall be retained and managed. Existing trees and shrubs on the mineral site that are not directly affected by quarrying operations shall be retained and protected during the period of the development.	Minor changes to improve clarity. Condition necessary to in order to protect environment in terms of landscape and biodiversity in accordance with Devon Minerals Plan specifically policies M18 and M17. Amendment of wording does not change intention of the condition. <b>Recommend that proposed condition is ACCEPTED and the consent re-issued so that protection measures for vegetation are maintained. Condition 18 (Appendix II) relates.</b>

Existing Condition	Proposed Condition	Comment
<b>Condition A22</b> Trees, shrubs and hedges planted in accordance with the Approved Plans shall be maintained and any plants which within 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.	<b>Condition A22</b> Trees, shrubs and hedges planted in accordance with the approved plans shall be maintained and any plants that die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar species.	Minor wording amendment. Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). Condition necessary to in order to continue to protect environment in terms of landscape and biodiversity in accordance with Devon Minerals Plan specifically policies M18 and M17. <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and protection measures are maintained. Condition 19 (Appendix II) relates.</b>
<b>Condition A23</b> The restoration of the Mineral Site shall be strictly in accordance with Approved Plan 507/PL6 unless otherwise agreed in writing with the Mineral Planning Authority.	<b>Condition A23</b> The restoration of the site shall be undertaken in accordance with approved plan 2306/ROMP/6A.	Minor change. Revised plans reflect amended restoration proposals. Revised restoration proposals are not a significant departure from previously approved plans, and the predominant restoration continues to be agriculture in accordance with Devon Minerals Plan specifically policies M18 and M27. Minor wording amendment. Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended plans to accurately reflect the development. Condition 20 (Appendix II) relates.</b>
<b>Condition A24</b> Upon cessation of the mineral working hereby permitted any residual settlement ponds or lagoon areas which have been constructed in connection with the treatment of water on the Mineral Site shall be restored in accordance with the scheme to be submitted to and agreed by the Mineral Planning Authority prior to such cessation of working.	<b>Removed</b>	Significant change. Condition removed. Condition deemed unnecessary in current working practices, If a scheme relating specifically to settlement ponds is required in the future, this can be addressed in other prior cessation, restoration and aftercare conditions. <b>Recommend that removal of condition is ACCEPTED and the consent re-issued without the requirement.</b>
<b>Condition A25</b> Unless otherwise agreed in writing with the Mineral Planning Authority: i) An aftercare scheme requiring that such steps as may be necessary to bring the land to the required standards for use for agriculture, forestry or amenity shall be submitted for approval by the Mineral Planning Authority, not later than one year prior to the anticipated date of completion of the restoration of the site. ii) The submitted scheme shall specify the steps to be taken and the periods during which they	<b>Condition A26</b> i. An aftercare scheme detailing the steps that may be necessary to restore the site in accordance with the permitted restoration scheme shall be submitted for approval by the Mineral Planning Authority, not later than one year prior to the anticipated date for completion of the restoration of the site. ii. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken. Such steps shall be carried out for a maximum period of	Minor change. Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended condition offer clarity in condition and that it continues to be in accordance with Devon Minerals Plan specifically policies M18 and M27. Condition 21 (Appendix II) relates.</b>

Existing Condition	Proposed Condition	Comment
<p>are to be taken. Such steps shall be carried out for a maximum period of 5 years from the completion of the operations required to comply with Condition 25(i) above.</p> <p>iii) Subject to Condition 25(iv) below, aftercare of the land which is the subject of this Decision Notice shall be carried out in accordance with the aftercare scheme as approved by the Mineral</p> <p>iv) Where the Mineral Planning Authority agrees in writing with the person or persons responsible for undertaking the aftercare steps, that there shall be lesser steps, or a different timing between steps, the aftercare shall be carried out in accordance with that agreement.</p>	<p>5 years from the completion of operations.</p> <p>iii. The aftercare of the site shall be carried out in accordance with the aftercare scheme as approved by the mineral planning authority.</p>	
<b>MONITORING</b>		
<p><b>Condition A26</b></p> <p>Unless otherwise agreed in writing with the Mineral Planning Authority, within twelve months of the date of this Decision Notice the developer shall implement the agreed Groundwater Monitoring Scheme dated 19<sup>th</sup> February 1998, and will continue it for the duration of the permission or until quarrying at the Mineral Site has permanently ceased.</p>	<p><b>Condition A27</b></p> <p>The developer shall continue to implement the agreed Groundwater Monitoring Scheme (dated 19<sup>th</sup> February 1998) for the duration of the permission or until quarrying at the mineral site ceases.</p>	<p>Minor change. Revised wording.</p> <p>Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206).</p> <p><b>Recommend that proposed condition is ADJUSTED and the consent re-issued with reference to a Groundwater Scheme that includes the amendments made since 1998. Submission of the Groundwater Scheme which is referenced in the Water Impact Assessment is considered appropriate. The wording and protection measures in terms of groundwater monitoring are maintained in accordance with Devon Minerals Plan policies M23, M24, M27. Condition 22 (Appendix II) relates.</b></p>
<p><b>Condition A27</b></p> <p>Within the Mineral Site no excavation shall be permitted to take place to a depth greater than Ordnance Datum until the groundwater monitoring scheme required by Condition A26 above shall have been implemented as agreed for a period of three years or unless as may otherwise have been agreed in writing by the Mineral Planning Authority.</p>	<p><b>Removed</b></p>	<p>Significant change. Condition removed.</p> <p>Condition removal agreed appropriate - contents of the condition are provided in the scheme and the Water Impact Assessment. Removal of condition compliant with the NPPF in terms of necessity (paragraph 206).</p> <p><b>Recommend that proposed condition is REMOVED and the consent re-issued without condition in accordance with Devon Minerals Plan policies M23, M24, M27.</b></p>
	<p><b>Condition A28</b></p> <p>In accordance with the Groundwater Monitoring Scheme, an impact assessment of the groundwater regime shall be provided prior to each occasion that the working depth is lowered by a further 15m. The first impact assessment shall be undertaken prior to the working depth exceeding ordnance datum.</p>	<p>Significant change. Introduction of condition.</p> <p><b>Recommend that proposed condition is OMITTED and content of the condition is considered in the content of the Groundwater Monitoring Scheme required by proposed Condition 22 (Appendix II). Further to this, consideration be given to the active threshold being 15m as requested by the Environment Agency. In terms of groundwater monitoring in accordance with Devon Minerals Plan policies M23,</b></p>

Existing Condition	Proposed Condition	Comment
		<b>M24, M27.</b>
<p><b>Condition A28</b> Unless otherwise agreed in writing with the Mineral Planning Authority, within 12 months of the date of this Decision Notice, a scheme of monitoring of the following matters shall be submitted to the Mineral Planning Authority for approval:</p> <p>a). Ground and airborne vibration: b) Noise; c) Dust; d) Impact of blasting upon the ground areas adjacent to the main railway line.</p> <p>These schemes shall be implemented and all operations hereby permitted shall be carried out in accordance with a programme to be agreed in writing with the Mineral Planning Authority.</p>	<p><b>Removed</b></p>	<p>Significant change. Condition removed. <b>Recommend that condition be RETAINED and the consent re-issued without the removal of a scheme of monitoring in regard to</b></p> <p>a) Ground and airborne vibration: b) Noise; c) Dust; d) Impact of blasting upon the ground areas</p> <p><b>Scheme will need to be updated to reflect the requirements of the other conditions in the schedule in accordance with Devon Minerals Plan policy M23. Condition 23 (Appendix II) relates.</b></p>
<b>PRIOR CESSATION</b>		
<p><b>Condition A29</b> In the event of cessation of winning and working of minerals prior to the achievement of the completion of the Approved Scheme a modified restoration scheme to include details of aftercare shall be submitted for approval to the Mineral Planning Authority within two years of the cessation of winning and working, or within such other period as may be otherwise agreed in writing with the Mineral Planning Authority. Implementation of the Approved Scheme shall be carried out within one year of the date of approval unless otherwise agreed in writing with the Mineral Planning Authority.</p>	<p><b>Condition A29</b> In the event of cessation of winning and working of minerals prior to the completion of the approved restoration scheme, a modified restoration scheme, including details of aftercare, shall be submitted to and approved in writing by the mineral planning authority within two years of the cessation of winning and working. The approved scheme shall commence within one year of the date of approval.</p>	<p>Minor change. Revised wording offer clarity. Removal of “unless otherwise agreed in writing with the Mineral Planning Authority”. Removal of wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and protection measures in terms of prior cessation are maintained. Condition 24 (Appendix II) relates.</b></p>
<b>REMOVAL OF PLANT AND BUILDINGS</b>		
<p><b>Condition A30</b> All plant and buildings which do not have a separate planning permission shall be removed from the Mineral Site on completion of quarrying unless otherwise agreed in writing with the Mineral Planning Authority.</p>	<p><b>Condition A24</b> All plant and buildings that do not have the benefit of a separate planning permission shall be removed from the mineral site on completion of quarrying.</p>	<p>Minor change. Introduction of “buildings that do not have the benefit of a separate planning permission”. Wording more accurately reflects the intention of the condition. Required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and protection measures are maintained in terms of removal of mineral related infrastructure. Condition 25 (Appendix II) relates.</b></p>

Existing Condition	Proposed Condition	Comment
<b>ACCESS TO THE MINERAL SITE FOR OBSERVATION AND RECORDING</b>		
<b>Condition A31</b> Within 12 months of the date of this Decision Notice, a scheme shall be submitted for the approval to the Mineral Planning Authority dealing with the terms of access arrangements to be made for bona fide persons to visit the Mineral Site for the purposes of research and recording. The operator shall implement the Approved Scheme and shall, upon reasonable request, afford appropriate access to representative portions of the geological structures to accredited groups or individuals for the purpose of geological or other study.	<b>Condition A25</b> Within 12 months of the date of this decision notice, a scheme shall be submitted for the written approval of the mineral planning authority for providing access to bona fide persons for the purposes of research and recording any significant features of geological interest. The operator shall implement the approved scheme and shall, upon reasonable request, afford appropriate access to representative portions of the geological structures to accredited groups or individuals for the purpose of geological or other study.	Minor change. Wording required for condition to be compliant with the NPPF in terms of necessity (paragraph 206). Maintaining condition allows accordance with Devon Minerals Plan specifically policy M19 <b>Recommend that proposed condition is ACCEPTED and the consent re-issued with the amended wording and protection measures are maintained in terms of the historic environment. Condition 26 (Appendix II) relates.</b>

**98/2499/49/9/DC SCHEDULE B CONDITIONS - ALL REMOVED - NO LONGER RELEVANT – PERMISSION LAPSED**

- Applied to the Mineral Site (to hated area known as Whiddon Field)

## **Planning Conditions**

### **TIME LIMITS**

#### **Condition 1**

The development to which this Decision Notice relates shall cease and the Mineral Site shall be restored in accordance with the requirements of Condition 20 not later than 22 February 2042, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To comply with Section 91 and Schedule 5 of the Town and Country Planning Act 1990.

### **WORKING PROGRAMME**

#### **Condition 2**

No development shall be carried out other than in strict accordance with the following approved plans:

- 2306/ROMP/3A dated July 2014 (Quarry Deepened to 1m AOD)
- 2306/ROMP/4A dated July 2014 (Proposed Haul Route Formed to 1m AOD)
- 2306/ROMP/5A dated July 2014 (Quarry Deepened to 40m Below OD)
- 2306/ROMP/6A dated July 2014 (Restoration Proposals)

Reason: To enable the Mineral Planning Authority to properly control the development and to ensure protection of the locality in accordance with the Development Plan specifically Devon Minerals Plan Policies M16, M17, M18, M21, M24 and M27.

### **HOURS OF WORKING**

#### **Condition 3**

No face working or primary crushing operations hereby permitted shall be carried out other than between 0600 to 1800 hours Mondays to Fridays inclusive; 0600 to 1300 hours on Saturdays and no such operations shall take place on Sundays or on the following public holidays;

- |      |  |
|------|--|
| i    | New Year's Day   |
| ii   | Good Friday  |
| iii  | Easter Monday  |
| iv   | May Day Holiday  |
| v    | Spring Bank Holiday  |
| vi   | Summer Bank Holiday  |
| vii  | Christmas Day  |
| viii | Boxing Day   |
| ix   | Such other public holidays as may be subsequently declared |

This condition shall not prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery within the mineral site or the operation of pumps and ancillary machinery for water management purposes.

(For the avoidance of doubt: This Condition shall not apply to the loading of lorries, the operation of the other processing plant, the coating plant, the concrete batching plant or the concrete works providing compliance is achieved with Condition 11 i) (c) during the hours of 2200 – 0700.)

Reason: To protect the amenities of the surrounding area in accordance with the Development Plan specifically Devon Minerals Plan Policies M22, M23 and M26.

## **LORRY SHEETING**

### **Condition 4**

Except for vehicles less than three and a half tonnes gross vehicle weight, part loaded large articulated lorries and lorries carrying stone in excess of 75mm in any dimension, all loaded lorries leaving the mineral site shall be adequately sheeted.

Reason: For reasons of highway safety and to prevent the spread of dust and other debris in accordance with the Development Plan specifically Devon Minerals Plan Policies M22 and M23.

## **LIGHTING**

### **Condition 5**

Prior to the erection of any new external floodlighting on any part of the mineral site, a floodlighting scheme shall be submitted for the written approval of the Mineral Planning Authority.

Reason: To protect the amenities of the surrounding area and wildlife habitat (including bat flight lines and foraging habitat) of the surrounding area in accordance with the Development Plan specifically Devon Minerals Plan Policies M17 and M23.

## **MUD AND DUST**

### **Condition 6**

Within 1 month of the date of this Decision Notice, a scheme shall be submitted for approval to the Mineral Planning Authority for the suppression of dust and mud from operations not controlled by Conditions of Authorisation required by the Environmental Protection Act 1990.

Following approval of the scheme (or such other scheme as may be agreed in writing with the Mineral Planning Authority) the development shall only be carried out in accordance with the Approved Schemes which shall be complied with at all times.

Reason: To protect the amenities of the locality area in accordance with the Development Plan specifically Devon Minerals Plan Policies M22 and M23.

## **BLASTING**

### **Condition 7**

When carrying out blasting operations, the developer shall minimise the propagation of ground-borne vibration beyond the boundary of the mineral site and shall ensure that all blasting procedures are planned and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv), shall be less than 10mm per

second (at the 95% confidence level) as measured at any building not under the control of the developer, used for human habitation and located outside the site.

Reason: To protect the amenities of local residents and to reduce the risk of damage to nearby buildings in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

#### **Condition 8**

Unless it is necessary in an emergency or for reasons of safety, the number of blasting episodes shall not exceed three per day.

Reason: To protect the amenity of local residents in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

#### **Condition 9**

When carrying out blasting operations, the developer shall adopt best practicable means to minimise the propagation of airborne vibration beyond the boundary of the site to ensure that the noise from blasting does not exceed 120 dB at any building used for human habitation not under the direct control of the developer.

Reason: To protect the amenity of local residents and to reduce the impact of the development on the surrounding environment in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

#### **Condition 10**

Except in an emergency or as may be necessary for reasons of safety, no blasting shall be carried out other than between 0900 and 1630 hours on Mondays to Fridays inclusive and between 0900 and 1300 hours on Saturdays. No blasting shall take place on Sundays nor on the public holidays set out in Condition 3. The developer shall inform the Mineral Planning Authority in writing within 48 hours of any occurrence outside these times.

Reason: To protect the amenity of local residents and to reduce the impact of the development on the surrounding environment in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

### **NOISE**

#### **Condition 11**

i) Noise levels from any or all plant, equipment and quarrying operations within the Mineral Site, as measured at any building used for human habitation not under the direct control of the developer, shall not exceed the following limits, expressed as an LAeq 1 hour (freefield):

- a) 52dB (freefield) for the period 0700 to 1900 hours;
- b) 50dB (freefield) for the period 1900 to 2200 hours;
- c) 42dB (freefield) for the period 2200 to 0700 hours.

ii) Noise limits shall not apply to audible safety devices required by statutory Health and Safety Regulations (i.e. audible reversing alarms fitted to mobile plant or audible warnings which precede or follow blasting).

iii) The Mineral Planning Authority shall be empowered to relax the noise limits over a specified period on submission of a noise monitoring scheme by the developer provided that it is satisfied that such a relaxation is necessitated by any specific requirements of the quarrying and/or ancillary operations.



iv) The noise levels referred to in (i) may be exceeded if emergency action is required.

Reason: To protect the amenity of residents and to reduce the impact of the development on the surrounding environment in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

**Condition 12**

All plant, machinery and vehicles used in the mineral site shall be fitted with and use silencers (or such other effective methods of sound proofing). These shall be used and maintained in accordance with the manufacturers' specifications at all times.

Reason: To protect the amenity of local residents and to reduce the impact of the development on the surrounding environment in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

**PROTECTION OF WATER RESOURCES**

**Condition 13**

Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to 110% of the capacity of the tank. If there are multiple tanks, the compound shall be at least equivalent to 110% of the capacity of the largest tank. All filling points, vents and sight glasses must be located within the bund. The drainage system of the bunded area shall be sealed with no outlet to any watercourse, land or underground strata. The facility shall be maintained in good order so that no significant amounts of fluid lie within the bunded area and all fluids removed from the bunded area shall be disposed of appropriately.

Reason: To minimise the risk to local amenity, water resources and wildlife in accordance with the Development Plan specifically Devon Minerals Plan Policies M17, M21 and M23.

**RECORDING OF ARCHAEOLOGICAL AND HISTORIC FEATURES**

**Condition 14**

The developer shall give the mineral planning authority a minimum of 14 days' notice of the commencement of any soil stripping work and shall afford access at all reasonable times to archaeologists nominated by the Mineral Planning Authority. The archaeologists shall be allowed to observe the excavations and record items or finds of interest.

Reason: To ensure that any archaeological features are properly investigated and recorded in accordance with the Development Plan specifically Devon Minerals Plan Policy M19.

**Condition 15**

All caves which are exposed during quarrying operations shall be inspected, surveyed, photographed and recorded by appropriate persons using an established code of practice.

Reason: To ensure that adequate investigation and records are made of important geological Features in accordance with the Development Plan specifically Devon Minerals Plan Policy M19.

## **SOIL HANDLING**

### **Condition 16**

Topsoil heaps shall not exceed 4 metres in height and shall be graded, sown with appropriate grass and wildflower mix and mown or grazed where necessary. All soil regrading, subsoiling and spreading of soils and their cultivation shall be carried out during periods of dry soil conditions.

Reason: To maintain the structure of soils on the site for the maximum benefit of restoration works in accordance with the Development Plan specifically Devon Minerals Plan Policies M21 and M27.

## **ENVIRONMENTAL PROTECTION**

### **Condition 17**

No clearing of vegetation shall take place within the site during the bird nesting season (15th March to 31st July), unless supervised by an ecologist.

Reason: To minimise disturbance to birds using the site in the interests of Nature Conservation in accordance with the Development Plan specifically Devon Minerals Plan Policy M17

## **LANDSCAPING**

### **Condition 18**

Until such time as they are directly affected by quarrying operations, all trees, shrubs and areas of vegetation within the mineral site shall be retained and managed. Existing trees and shrubs on the mineral site that are not directly affected by quarrying operations shall be retained and protected during the period of the development.

Reason: To minimise the impact of quarrying on the surrounding area in accordance with the Development Plan specifically Devon Minerals Plan Policies M18 and M27.

### **Condition 19**

Trees, shrubs and hedges planted in accordance with the approved plans shall be maintained and any plants that die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar species.

Reason: In the interests of amenity and wildlife conservation in accordance with the Development Plan specifically Devon Minerals Plan Policies M18 and M27.

## **RESTORATION AND AFTERCARE**

### **Condition 20**

The restoration of the site shall be undertaken in accordance with approved plan 2306/ROMP/6A.

Reason: To ensure that the land is restored in an appropriate manner to a condition capable of beneficial after-use in accordance with the Development Plan specifically Devon Minerals Plan Policy M27.

**Condition 21**

- i. An aftercare scheme detailing the steps that may be necessary to restore the site in accordance with the permitted restoration scheme shall be submitted for approval by the Mineral Planning Authority, not later than one year prior to the anticipated date for completion of the restoration of the site.
- ii. The submitted scheme shall specify the steps to be taken and the periods during which they are to be taken. Such steps shall be carried out for a maximum period of 5 years from the completion of operations.
- iii. The aftercare of the site shall be carried out in accordance with the aftercare scheme as approved by the Mineral Planning Authority.

Reason: To ensure that the land is restored in an appropriate manner to a condition capable of beneficial after-use in accordance with the Development Plan specifically Devon Minerals Plan Policy M27.

**MONITORING**

**Condition 22**

Within 1 month of the date of this Decision Notice, a revised scheme shall be submitted for approval to the Mineral Planning Authority for the monitoring of groundwater. The developer shall continue to implement the agreed Groundwater Monitoring Scheme until the revised scheme is submitted.

Following approval of the scheme the development shall only be carried out in accordance with the Approved Scheme which shall be complied for the duration of the permission or until quarrying at the mineral site ceases.

Reason: To ensure the protection of local watercourses and the appropriate ultimate restoration of the Mineral Site in accordance with the Development Plan specifically Devon Minerals Plan Policies M21 and M27.

**Condition 23**

Within 1 month of the date of this Decision Notice, a scheme of monitoring of the following matters shall be submitted to the Mineral Planning Authority for approval.

- a) Ground and airborne vibration;
- b) Noise.

Within 10 months of the date of this Decision Notice, a scheme of monitoring of the following matters shall be submitted to the Mineral Planning Authority for approval:

- c) Impact of blasting upon the ground areas adjacent to the main railway line.

The developer shall continue to implement the agreed Schemes until the revised schemes are submitted and agreed in writing with the Mineral Planning Authority.

Following approval of the schemes the development shall only be carried out in accordance with the approved schemes which shall be complied with for the duration of the permission or until quarrying at the mineral site ceases.

Reason: To enable the Mineral Planning Authority to properly control development in the interests of amenity in accordance with the Development Plan specifically Devon Minerals Plan Policies M21 and M23.

## **PRIOR CESSATION**

### **Condition 24**

In the event of cessation of winning and working of minerals prior to the completion of the approved restoration scheme, a modified restoration scheme, including details of aftercare, shall be submitted to and approved in writing by the Mineral Planning Authority within two years of the cessation of winning and working. The approved scheme shall commence within one year of the date of approval.

Reason: To ensure that the aftercare scheme is satisfactory and that the land is restored to a beneficial after-use in accordance with the Development Plan specifically Devon Minerals Plan Policy M23.

## **REMOVAL OF PLANT AND BUILDINGS**

### **Condition 25**

All plant and buildings that do not have the benefit of a separate planning permission shall be removed from the mineral site on completion of quarrying.

Reason: To ensure that the land is restored in an appropriate manner to a condition capable of beneficial after-use in accordance with the Development Plan specifically Devon Minerals Plan Policy M27.

## **ACCESS TO THE MINERAL SITE FOR OBSERVATION AND RECORDING**

### **Condition 26**

Within 12 months of the date of this decision notice, an updated scheme shall be submitted for the written approval of the Mineral Planning Authority for providing access to bona fide persons for the purposes of research and recording any significant features of geological interest. The operator shall implement the approved scheme and shall, upon reasonable request, afford appropriate access to representative portions of the geological structures to accredited groups or individuals for the purpose of geological or other study.

Reason: In order to protect and research geological features of the site use in accordance with the Development Plan specifically Devon Minerals Plan Policy M21.