

County Matter: Minerals

Mid Devon District: Section 73 application to vary Conditions 3, 9 and 27 of planning permission 04/06/94/0532 to enable extraction of an additional 600,000 tonnes,

Westleigh Quarry, Burlescombe, Tiverton

Applicant: Aggregate Industries UK Limited

Application No: 17/01194/DCC

Date application received by Devon County Council: 18 July 2017

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, subject to the completion of a legal agreement requiring (a) submission and implementation of a revised water scheme; (b) compliance with the traffic scheme and haulage statement; (c), a contribution of £32,450 to the maintenance of the HGV route; and (d) revocation of the 1997 planning permission and legal agreement without compensation, the application is approved subject to the conditions set out in Appendix I to this report (with any subsequent non-material changes to the wording of the conditions and being agreed in consultation with the Chair and local member).

1. Summary

- 1.1 The application seeks to vary the existing planning permission to extend the currently permitted extraction area within Westleigh Quarry, to the east of its southern end in an area known as Rocknell. This extension would release an additional estimated 600,000 tonnes of limestone and involves the demolition of Rocknell Bungalow. The additional extraction area covers approximately 0.65 hectare and falls within the existing red line associated with permission reference 04/06/94/0532.
- 1.2 It is considered that the main material planning considerations in the determination of this planning application for the extension of Rocknell Quarry are mineral planning policy considerations; residential amenity; historic environment; landscape and ecology. Objections on other grounds that are associated with the quarry complex as a whole will also need to be considered, including highway impacts and safety, the water environment, residential amenity including dust and cumulative impacts.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4007/2017 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4007/2017>

2. The Proposal/Background

- 2.1 Westleigh Quarry is a large limestone quarry located near Burlescombe in Mid Devon which extends to approximately 81ha. The village of Westleigh adjoins the quarry to the south, with Burlescombe 1.5km to the south east and Holcombe Rogus 1.9km to the north. Rocknell Quarry forms the south western part of the quarry complex and is

separated by a public highway, beneath which a tunnel links it to the main part of the quarry complex. Immediately to the south east of Rocknell Quarry are two dwellings, Willow Tree Cottage and Kiln Cottage, and both are within the applicant's ownership. The plans of the existing consent were configured in such a way to allow a suitable 'stand-off' from the working area to protect the amenity of these dwellings.

- 2.2 Winning and working of limestone has been taking place at the quarry complex since before the 1940s, originally in three separate quarries (Westleigh, Rocknell and Fenacre). In 1997 a consolidating permission was granted covering the three quarries, which now operate as a single unit, and allowed for the deepening of Westleigh Quarry, an extension of Rocknell Quarry and an extension of the working and tipping area at Fenacre Quarry. The consolidating permission is subject to a number of planning conditions which specify the approved working drawings and control quarry operations at the site, including hours of face working operations, dust control, noise limits, blasting controls and the restoration of the site.
- 2.3 The permission is also the subject of a Section 106 agreement which includes a one-way vehicle routing arrangement whereby vehicles leaving the quarry travel through Burlescombe to exit onto the A38, and those returning exit the A38 at the Whiteball junction travelling along the minor road network through Whipcott, entering the quarry from the north. The agreement also requires implementation of a water resource monitoring scheme and submission of a water diversion scheme to address the relationship between groundwater management at the quarry and impacts on the water regime in the surrounding area, notably at the Grand Western Canal.
- 2.4 The 1997 mineral permission is subject to periodic review under the provisions of the Environment Act 1995, and an application for the review of the site was submitted in June 2012. However, the need for this review would cease with approval of the current application, with any new permission then being subject to future periodic review.
- 2.5 Since the 1997 permission, further consents have been given for the importation of materials for reprocessing for use in the quarry's asphalt and concrete plants (2005) and for installation of an asphalt hot storage facility (2014). The latter permission is subject to a unilateral undertaking by the operator that limits the number of nights in any year during which HGVs can leave the asphalt plant to 160.
- 2.6 Mineral extraction at Rocknell is undertaken by drilling and blasting, with rock transported by dumpers to the fixed processing plant in Westleigh Quarry for crushing and screening into graded aggregate sizes. The limestone is extracted in a series of benches down to a depth of 56m AOD, each bench reducing in area as the quarry deepens. The quarry face is drilled using a drill rig fitted with dust suppression equipment and blasting currently takes place typically two to three times per week. Annual sales of limestone from Westleigh Quarry, including the Rocknell area, are in the region of 850,000 tonnes, and the quarry has sufficient reserves to enable production to continue at this level for in excess of 25 years. The planning permission expires in 2046, and extraction of the additional rock will be completed within this timeframe.
- 2.7 The application seeks to vary conditions attached to the 1997 permission that specify the approved drawings, with the application drawings showing an extension to the extraction area in the north eastern corner of Rocknell Quarry. This extension would release an additional estimated 600,000 tonnes of limestone and include the demolition of the unoccupied Rocknell Bungalow, with the additional extraction area covering approximately 0.65 hectare. It is not proposed that annual output of

Westleigh Quarry, or associated vehicle movements, would increase as a result of the proposed extension.

- 2.8 The proposed extension to the extraction area remains wholly within the planning permission boundary but outside of the currently approved extraction area identified in the approved working plans. The application is therefore dealt with as a variation to the existing permission under section 73 of the Town and County Planning Act 1990. Approving this application would issue a new planning permission, with the intention that the existing 1997 permission and associated legal agreement be revoked.
- 2.9 The proposal is Environmental Impact Assessment development and is accompanied by an Environmental Statement. The applicant was asked to provide additional environmental information following the first period of consultation in relation to updated plans; ecological assessments; landscape assessment including screening; water impacts assessment and protection of amenity including health impacts, and this information was submitted on 4 December 2017 and re-advertised. Further information was produced on 18 September 2018 and was also re-advertised and consulted upon.

3. Consultation Responses

- 3.1 Mid Devon District Council (Planning): No objection. Commented that the proposal is reasonably required, however there is no information with regard to protection of the listed lime kilns and associated archaeology within the site. Mitigation proposals associated with the protected species should be fully implemented.
- 3.2 Mid Devon District Council (Environmental Health): No objection.
- 3.3 Burlescombe Parish Council: Objection at each of the three consultation stages for the following reasons:
- the potential health detriments of dust, noise, visual impact and vibration for the closest residential properties;
 - the application has not provided time relevant dust monitoring and data from the monitoring from May 2018 must be disclosed;
 - limestone is known to contain harmful silicates, and not enough assessment been made in regard to the harmful effects;
 - a dense belt of trees should be planted to mitigate the impact of noise of and dust level and this planting should be an adequate size and maturity to provide an immediate noise and visual barrier;
 - the site is not currently operating correctly in terms of existing traffic movements, and HGVs are travelling in convoy, within restricted times around school drop-off and pick-up times, in excess of the speed limits and not sheeted;
 - no permission should be granted until an alternative route not through Burlescombe Village is re-examined fully in line with an independent survey and a further feasibility study is commissioned and fully explored;
 - the presence of the quarry has stunted the growth of the school due to health and safety concerns;
 - a maintenance contribution should be given to the Highways Authority due to the road requiring constant maintenance;
 - no work should start until the impact on dormice is considered in view of their protected status; and

- the periodic review application has not been determined and, until the issues on water supplies on the canal and HGV traffic have been resolved and a water diversion scheme published, this application should not be considered.

3.4 Holcombe Rogus Parish Council: Objection at each of the three consultation stages for the following reasons:

- traffic issues have increased substantially since the initial application and there is now an unacceptable burden on the local community;
- the one-way system for HGVs would continue through Burlescombe, which is unacceptable, and an alternative routing of HGVs should still be considered;
- the application should be refused planning permission due to unsatisfactory transport routing arrangements;
- speed restrictions through Burlescombe and past Whipcott should be imposed and enforced and effective means of monitoring and enforcing speed restrictions should be introduced;
- quarry operators should give prior notice of night-time lorry journeys to the community so that these can be monitored;
- the need for the extension cannot be justified;
- granting the section 73 application will jeopardise the periodic review application and will frustrate existing process of the review;
- it is premature and the following issues have not been adequately addressed: cumulative impact of dust; air quality and noise; the health of the communities owing to impact from HGV movements during the day and the night; no effective control over substantial number of HGV movements; and issues relating to water management being unresolved;
- there is sufficient capacity within the existing working area for current output levels for the foreseeable future;
- provision should be made for adequate screening of Rocknell Quarry to minimise the impact on local communities;
- the current water diversion scheme is ineffective and should planning permission be granted a Section 106 agreement should clearly set out the objectives of the new scheme;
- the Mineral Planning Authority should consult the Parish Councils on the contents of the Section 106 agreement; and
- issues of phased quarry working have not been adequately addressed.

3.5 Uffculme Parish Council: Endorses comments of Burlescombe Parish Council:

- the locality of the quarry and the impact it has on local residents, given the disregard to existing permissions and requirements of the current quarrying activities;
- the periodic review application should be finalised before issuing any new permission; and
- issues raised by Public Health England should be addressed.

3.6 Grand Western Canal Joint Advisory Committee: The application should be refused as:

- the latest water impact statement is concerning as it suggests that extraction in Rocknell Quarry will have no impact on the groundwater supplying the canal's springs while admitting that the water table in the Rocknell area is unknown;
- the Section 106 condition relating to a water diversion scheme remains unfilled and a suitable water transfer device for passing compensation water from Fenacre Brook to the Grand Western Canal has not been completed on the existing consent; and

- the periodic review application would be jeopardised should this application be approved.

- 3.7 Natural England: No objection and provides advice on other natural environment issues.
- 3.8 Environment Agency: Initially commented that the application should not be determined until the authors of the 2012 Water Environment Impact Assessment have reassessed the risks arising from modification to operations on groundwater and have confirmed that no further risks will arise. Having reviewed the information within the subsequent submission, the Agency has no in principle objection subject to the monitoring strategies proposed being implemented.
- 3.9 Historic England: No comment.
- 3.10 Public Health England (PHE): No objection - subject to appropriate controls, PHE would be satisfied that the proposed operation should not have a significant impact on public health. The planning conditions should be enforceable and ensure there is an appropriate level of monitoring to demonstrate site activities are not having an adverse off-site impact. It is noted that a Dust Action Plan is in operation at the site, and that dust monitoring will be undertaken to establish mean rates of deposition at appropriate receptors.

PHE noted that further information in regard to monitoring of PM10 demonstrated no exceedances of the daily National Air Quality Strategy (NAQS) objectives at residences 90m from the site. They commented that it is reasonable to assume that the proposed change to the operation would not have an impact on the current air quality for local residents, but noted the increasing number of dust complaints since May 2018.

- 3.11 South West Water: No objection.
- 3.12 Health and Safety Executive: No objection. The information provided has been considered and no areas of potential conflict with health and safety requirements have been identified.
- 3.13 Devon Stone Federation: No objection as the proposal will not sterilise any aggregate resources and will release additional aggregate.
- 3.14 Somerset County Council: No objection on the basis that the same access arrangements are used and the same conditions remain governing the current operations.

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, and further publicity was undertaken in January and September 2018 following receipt of additional information. As a result of these procedures, 31 letters of representation have been received from 20 residents together with the chair of governors of Burlescombe Primary School and the chairman of the Canonsleigh Residents' Association. 19 of these representations raised objections and one raised no objection.

- 4.2 A further letter was received from the existing resident of Willow Tree Cottage, one of the two houses located closest to the Rocknell extension area, which made clear that they are happy to accept any impacts from the quarry and would wish to remain living in cottage should this application be approved.
- 4.3 Of the objections, the principal areas of concern were: impact of HGV movements through Burlescombe, especially at during school drop off times; safety of the school children; the condition of the road due to HGV movements; speed, queuing and convoys of HGVs; emissions from HGVs impacting health; structural damage to listed bridges; volume of traffic increasing; structural damage to buildings due to blasting; amenity impact of vibration from blasting; increase in dust; protection of the amenity of houses adjacent to the application site; the quarry currently operating outside permitted hours; loss of existing landscape planting; value of the biodiversity in the area proposed for extraction; issues with the existing water diversion scheme; adequate existing reserves in other areas of the quarry; suitability of the proposed action plans and monitoring regimes for vibration, dust and noise; time required for replacement planting to mature; out of date information supplied; existing issues unresolved with regard to noise and blasting, spillages on the highway, movements of HGVs during day and night, and pre-emptive vegetation clearance work. Should the application be approved the following should be provided: a footpath through the length of Burlescombe; a cap on lorry movements; and a financial contribution for highway maintenance.
- 4.4 Councillor Ray Radford (local member) has raised concerns and considers that Burlescombe Parish Council's comments should be investigated regarding the air quality monitoring, the screening for the closest residents and the consideration of an alternative HGV routing.
- 4.5 These issues are dealt with in more detail in the issues identified in section 6 below.

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 relevant Development Plan policies are listed below and referred to in more detail in section 6.

Devon Minerals Plan (adopted February 2017)

Policies M1 (Spatial Strategy); M11 (Landbanks for Land-won Aggregates); M16 (Green Infrastructure); M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact); M19 (The Historic Environment); M21 (Natural Resources); M22 (Transportation and Access); M23 (Quality of Life); M24 (Flooding); M26 (Cumulative Effects); and M27 (Restoration and Aftercare).

Mid Devon Local Plan Part 3 (Adopted October 2013)

Policies DM06 (Transport and Air Quality) and DM07 (Pollution).

6. Comments/Issues

- 6.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and seeks to vary three conditions of the 1997 permission (Conditions 3, 9 and 27) that specify drawings with which development should comply. In determining the application, Section 73 requires the Council to consider only the conditions subject to which planning permission should be granted. However this does not permit the Council to ignore the wider considerations affecting the grant of permission since a successful Section 73 application results in a new permission, and must therefore be determined in accordance with the current development plan and other material considerations. It is considered that the main material planning considerations arising directly from the proposed variation of conditions are the mineral planning policy considerations; residential amenity for the two adjacent dwellings; the historic environment; landscape and ecology.
- 6.2 The representations made by the parish councils and local residents, summarised in sections 4 and 5 of this report, raise a wider range of concerns relating to the impacts of the quarry complex as a whole, rather than being specific to the extension of the extraction area within Rocknell Quarry. These include the number and routing of vehicles, dust generation and impacts on the water environment including the Grand Western Canal, together with the relationship of this Section 73 application with the periodic review application submitted in 2012. These concerns are addressed below following the discussion of the matters referred to in 6.1.

Mineral Planning Policy Considerations

- 6.3 The National Planning Policy Framework [NPPF] recognises the importance of minerals, giving “great weight” to the benefit of mineral extraction in supporting economic growth and quality of life but balancing this against the need to achieve their long-term conservation within the overall framework of sustainable development.
- 6.4 The Devon Minerals Plan provides the local policy framework by which to consider proposals for extraction and reflects the guidance in the NPPF and its associated Planning Practice Guidance.
- 6.5 The Minerals Plan’s spatial strategy is expressed through Policy M1, which states that extraction of crushed rock aggregates will be permissible from existing quarries within the M5/A38 corridor. The location Westleigh Quarry close to the M5 and A38 complies with this spatial strategy.
- 6.6 Several representations have been received which comment that the extraction area is not required and that there is no demonstrated need. The approach to the supply of land-won aggregates is provided in Policy M11 of the Devon Minerals Plan, which requires the maintenance of a landbank of crushed rock least of at least 10 years. The most recent iteration of the Devon Local Aggregate Assessment indicates that, at the end of 2016, Devon had a landbank of crushed rock aggregates of 48 years, with the landbank of limestone being 38.5 years. As these landbanks are well in excess of the 10 years’ minimum required in paragraph 1 of Policy M11, this application should be considered against paragraph 3 of that Policy which applies where an adequate landbank exists.
- 6.7 While the application site falls within the quarry’s existing planning permission area, the proposal is effectively an extension of the working area, and it is considered against the five criteria of paragraph 3 of Policy M11 in turn:

- (a) Distribution of existing reserves – despite their limited occurrence, Devon’s limestone reserves are well-distributed along the M5/A38 corridor and in relation to main markets, and it therefore cannot be argued that the proposal will achieve a significant reduction in transportation distances.
- (b) Continuation of small-scale working to local markets – not applicable as Westleigh is one of Devon’s largest aggregate quarries.
- (c) Specific aggregate qualities with distinct use – it is assumed that the additional resource is of a similar nature to other limestone at Westleigh and will be processed to provide similar products, so this criterion does not apply.
- (d) Known constraints on remaining reserves and/or productive capacity – the applicant has not suggested that there any constraints on remaining reserves at Westleigh (which should enable production to continue at recent levels for around 30 years). It is understood that it is not intended that the extension will enable increased annual sales, so the issue of productive capacity is not relevant.
- (e) Significant future increases in demand – the 6th Devon Local Aggregate Assessment considers the ability of crushed rock sales to be maintained if demand increases significantly and concludes that the crushed rock landbank will be adequate over at least the next ten years. These increases, though, cannot “be forecast with reasonable certainty”. Given that the proposed extension only equates to less than one additional year of output from Westleigh, it cannot be justified under this criterion.

6.8 Given the above considerations, it cannot be concluded that the proposed extension is specifically justified by Policy M11 or that there is a significant need for it. However, it is also the case that the lack of a justifying criterion in paragraph 3 of that policy does not mean that the extension is contrary to Policy M11. Minerals Planning Practice Guidance that advises that “there is no maximum landbank level and each application...must be considered on its own merits regardless of the length of the landbank...[and] there are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank”. The applicant points out that there is a time-limited opportunity to gain access to this additional resource before it would be permanently sterilised, and it would therefore be prudent and sustainable to facilitate working of this resource.

6.9 Given the requirement of the NPPF’s ‘presumption in favour of sustainable development’, the Council is obliged to approve the development unless material considerations, including within the NPPF or Devon Minerals Plan, indicate otherwise. Such material considerations will include ecology, landscape and visual impact and residential amenity, which are discussed below.

Proximity of Rocknell Quarry to Adjacent Residential Properties

6.10 The working drawings approved in 1997 indicated that extraction in Rocknell Quarry would not encroach within approximately 50m of Rocknell Bungalow, which lies within the quarry perimeter, or Kiln Cottage and Willow Tree Cottage that lie just outside the quarry boundary. These ‘stand offs’ were intended to provide a degree of separation between quarrying and the dwellings to protect the amenity of their occupiers. The effect of this application would be to achieve the demolition of Rocknell Bungalow and to bring extraction operations closer to the two other residential properties, which would be approximately 20m from the extended extraction area.

- 6.11 The noise and blasting conditions attached to the existing permission specifically exclude any dwelling under the direct control of the operator. This enables the quarry operator to either keep the dwellings vacant or to let them to tenants who are aware of the potential for nuisance from the quarry.
- 6.12 Since the 1997 planning permission, the mineral operator has acquired ownership of Kiln Cottage to the south east of Rocknell Quarry, which is currently unoccupied. The adjoining Willow Tree Cottage is also within the operator's ownership and, as indicated in 4.2, the tenant has written to confirm that she is content with the proposals.
- 6.13 A review has been carried out by the applicant in regard to blasting impacts on Kiln Cottage and Willow Tree Cottage which concluded that the impact assessments for groundborne vibration and air overpressure had identified that it would be difficult to demonstrate compliance with planning guidance. While there is no certainty that an adequate standard of amenity can be maintained for the two adjacent dwellings, their ownership by the quarry operator enables them to ensure that occupancy is limited to tenants who are comfortable with the proximity of the quarry. It is therefore considered that, in these specific circumstances, the relationship of these dwellings with the quarry is not reasonable grounds to prevent the extension of Rocknell Quarry.

Landscape and Visual Impact

- 6.14 Policy M18 of the Devon Minerals Plan considers landscape and visual impact and requires that a suitable assessment be provided to demonstrate how proposals respond to the landscape context and address potential adverse effects.
- 6.15 A Landscape and Visual Impact Assessment [LVIA] of the effects of the proposal was submitted with the application, which concluded that the predicted potential landscape and visual effects from the development would result in a slight overall decrease in landscape and visual impact during both the operational period and following restoration compared to the consented scheme. It concluded that adverse landscape impacts relating to minor changes in skyline vegetation would occur, but the site would recover in the medium to long term.
- 6.16 Further information was required from the applicant that assessed the proposals for protecting the root zone of important trees to be retained in proximity to the proposed quarry edge and information relating to protective fencing to be erected prior to excavations within 10m of tree canopies, and the submitted information addressed these concerns. However, conditions will be required that secure the recommendations proposed in the Arboricultural Assessment; require a woodland belt of a minimum 16m width around the quarry perimeter to be protected with fencing in accordance with the locations shown on the Tree Survey and Protection Plan; and require submission of a Landscape and Ecological Management Plan within 6 months of permission being granted.
- 6.17 It is considered that the tree screening and landscape impacts are suitably addressed by the measures included in the additional information subject to the above recommended conditions that relates to securing these measures. The introduction of these conditions is considered necessary and reasonable given that they directly relate to the section 73 application as they are located on the boundary of the proposed extraction area.

Nature Conservation

- 6.18 Policy M17 of the Devon Minerals Plans deals with impacts on protected species and requires appropriate avoidance, mitigation, compensation and enhancement measures proportionate to the importance of the species and the likely impact. Additional information submitted by the applicant demonstrates that ecological impacts on the quarry complex as a whole are acceptable.
- 6.19 No part of the extended extraction area is designated as a protected habitat, and potential wildlife impacts are identified in the submitted information. The loss of trees and woodland habitat in the area for extraction and the associated impacts on wildlife and other indirect wildlife impacts are acknowledged which included the extraction area being 800m from Lower Whipcott SSSI & County Wildlife Site, 600m from Grand Western Canal Local Nature Reserve, and adjacent to multiple Unconfirmed Wildlife Sites.
- 6.20 The principal impact from the proposal would be the felling of 0.58 hectares of secondary broadleaved woodland habitat and associated undergrowth. The applicant has provided a proposal for mitigation/compensation for the loss of wildlife habitat. Replacement planting of 1.04ha of broadleaved woodland will be undertaken alongside Knowle Copse CWS in the first winter following approval of the application and, in addition, Rocknell Lane will be subject to tree and shrub planting to reinforce existing vegetation.
- 6.21 Surveys of Rocknell Bungalow, which is to be demolished through the proposals, found the building to support low numbers of Lesser Horseshoe bats, and removal of the bungalow will require a licence from Natural England. Mitigation has been offered by providing a new roost to be constructed in an existing building (approximately 460m SW of Rocknell Bungalow and connected by woodland habitat) which will be made suitable for crevice dwelling Lesser and Greater Horseshoe bats.
- 6.22 Surveys of the application area found dormice to be present at a moderate/high population density. A European Protected Species Licence will be required from Natural England ahead of removal of woodland habitat.
- 6.23 The application also proposes additional strengthening of the peripheral woodland habitats on the South East and North East boundaries of the Rocknell area, and this planting will be undertaken in the first winter following determination of the application.
- 6.24 It is considered that ecological concerns are suitably addressed, and that the compensation/mitigation scheme is acceptable and will be secured through proposed Conditions 10, 13 and 28. It is noted that Natural England has provided no objection to the proposals with relation to impacts on designated sites.

Historic Environment

- 6.25 Policy M19 of the Devon Minerals Plan requires that mineral development will conserve and enhance the historic environment and must include an assessment of the presence and significance of heritage assets that may be affected.

- 6.26 There are six Grade II listed limekilns located on the south eastern boundary of Westleigh Quarry, one of which is located on the boundary of the proposed extraction area at Rocknell. Further information was required from the applicant on protection of these features, and a Limekiln Report was provided to assess features significance together with a Limekiln Monitoring and Management Plan to provide for their continued protection.
- 6.27 It is considered that the limekilns are suitably protected by the measures included in the Limekiln Monitoring and Management Plan subject to proposed Condition 15 to secure these measures. The introduction of this condition to the permission is directly relevant to this Section 73 application given proximity of the limekiln to the proposed extraction area.

Highway Impacts including Health and Safety

- 6.28 The majority of objections submitted have been based on various highways and transportation concerns. While Policy M22 of the Devon Minerals Plan requires that negative impacts of mineral development must be mitigated appropriately, including a vehicle routing strategy, or funding of improvements to transportation infrastructure, it should be recognised that the proposal before the Council will not alter the nature or intensity of traffic movements generated by the quarry.
- 6.29 The application was originally submitted with a transport assessment dated from 2012, but this was not acceptable given the time that has lapsed since the initial assessment. A revised transport assessment dated 2017 was submitted and deemed suitable to assess highway matters and concerns relating to volume.
- 6.30 The assessment highlights that the site generates around 216 HGVs per day (216 arrivals and 216 departures) that would use the one-way access route to and from the quarry. The HGVs can operate 24 hours a day and represent around 11% of two-way traffic flows on the access route from the quarry to the A38 through Burlescombe Village. The current access routes and associated traffic schemes to and from the site are to remain the same.
- 6.31 Representations have been received which suggest that approving this application would intensify working at the site; however, output at the site is constrained through the permitted hours of working which naturally limit the site's output.
- 6.32 The application is not considered to result in significant additional highway issues which are material to this application given that the current consent at the site allows for continued extraction until July 2046. There is no limitation on the maximum level of output, which fluctuates in accordance with market demand within permitted hours of working.
- 6.33 The transport assessment provided a review of personal injury collision data and concluded that there are no specific collision problems in the study area associated with quarry activities. In particular, none of the collisions that occurred along the access routes between the A38 and the quarry involved HGVs associated with quarry operations. The assessment also found that, should this application be permitted, it is unlikely that it would cause the road network to operate to overcapacity or result in unacceptable levels of congestion.

- 6.34 The County Council as Highway Authority considers that the number and nature of the existing vehicle movements can be accommodated by the existing route network and there is no objection from Somerset County Council as the neighbouring Highway Authority. HGV movements would not alter as a result of the proposed variation of conditions, and it would be unreasonable to refuse the application on based upon highway impacts including safety. However, in recognition of the marginal increase of the life of the quarry, the applicant has agreed to contribute to the cost of maintenance of the HGV route used by quarry vehicles, and this would be secured through the proposed Section 106 agreement
- 6.35 A number of representations have been received which reference incidents with existing HGVs from the quarry site involving speeding, driving in convoy and passing by the school during pick up and drop off times. At present there is a voluntary arrangement with the quarry where they have installed equipment that can gauge speed measures and times and movements in vehicles under their control and actively encourage this system with their franchised drivers. The applicant has offered to formalise this arrangement through an amended Section 106 agreement, which represents a benefit to the local community.
- 6.36 There are local aspirations for the provision of a new HGV route to and from the quarry that would remove quarry traffic from Burlescombe. A consultation was facilitated by the County Council in May and June 2018 on an option to upgrade Longwood Lane to allow two-way traffic between the quarry and the A38. While it is outside the scope of the current Section 73 application to require implementation of this or another option, the County Council will continue to work with the local parish councils, residents, County Councillor and Member of Parliament to explore means of reducing quarry traffic impacts in and around Burlescombe.
- 6.37 Representations were also received expressing concern at an unacceptable level of emissions from the HGVs causing potential harm to health in terms of PM10 emissions. Further information was requested from the applicant and consultation was undertaken with Public Health England to assess these data. Assessment of the data and monitoring of PM10 demonstrated no exceedances of the daily National Air Quality Strategy (NAQS) objectives, and it was concluded that it is reasonable to assume that the proposed change to the operation would not have an impact on the current air quality for local residents.

Residential Amenity

- 6.38 Policy M23 of the Devon Minerals Plan ensures that quality of life, health and amenity will be protected from the adverse effects of mineral development and that adverse impacts will be strictly controlled or mitigated to avoid any significant nuisance being caused to occupiers of dwellings close to the site.
- 6.39 There are a number of potentially sensitive residential properties which lie on the periphery of the villages of Westleigh and Burlescombe and are near to the existing mineral extraction and processing operations at Westleigh and Rocknell Quarries.
- 6.40 Dust is generally regarded as particulate matter up to 75 µm (micron) diameter and can be considered in two categories. Fine dust, essentially particles up to 10 µm, is commonly referred to as PM10 and is measured to agreed standards and forms part of Air Quality Objectives (AQO). Coarser dust (essentially particles greater than 10 µm) is generally regarded as 'nuisance dust' and can be associated with

annoyance. Nuisance dust is more readily described than defined as it relates to the visual impact of short-lived dust clouds and the long-term soiling of surfaces.

- 6.41 Dust from Westleigh Quarry is currently controlled through a condition which requires the submission of a dust management scheme. The current scheme was agreed in 2000 and protection measures in terms of dust have since been modernised. The revised scheme submitted as part of this application significantly improves the monitoring regime in terms of dust and is secured through proposed Condition 37.
- 6.42 Blasting is currently controlled at the site by conditions restricting the number and timings of blasts undertaken at the site and the measured ground vibration as a result of blasts planned and executed to not exceed a peak particle velocity of 10mm/second at vibration sensitive buildings used for human habitation and not under the control of the developer (at the 95% confidence level) and to never exceed 12mm/second.
- 6.43 It is acknowledged that there have been a number of dust complaints over the last seven months, which resulted in an investigation that required further dust assessments and consultation with Public Health England regarding the monitoring results. Meetings were held with the quarry operator and revised dust suppression measures were implemented which improved matters. The latest results from dust monitoring from May 2018 have yet to be released, although anecdotal information has been supplied which suggested that the situation had greatly improved.
- 6.44 It is considered that the existing control measures are ensuring that any residual impact is adequately mitigated. However, the existing monitoring scheme has been reviewed, amended and incorporated into a more comprehensive environmental scheme. This latter scheme also includes measures to identify, control and mitigate the effects of noise and blasting. The current planning consent did not require monitoring schemes for either of these impacts and therefore the approval of this current application would provide betterment in this regard. Further to this, given that future operations at Rocknell will not extend any closer to the present nearest privately-owned residential properties it is concluded the impacts of dust, groundborne vibration and air overpressure can be suitably controlled to within the limits specified by the attached scheme.
- 6.45 Aside from the complaints, it must be acknowledged that the approving this application is likely to increase controls in terms of dust and vibration. Given the above although dust is an ongoing concern, it would be unreasonable to refuse the application on based potential dust impacts associated with this application.
- 6.46 The National Planning Policy Framework contains various aims including that noise from a new development should avoid giving rise to significant adverse impacts on health and quality of life, and that other adverse impacts should be mitigated and reduced to a minimum including through the use of conditions.
- 6.47 The current planning permission contains conditions which restrict operations to certain hours and sets noise limits for operations for noise sensitive locations. The current working hours condition requires “no face working, or primary crushing operations being carried out on the site other than between 0600 to 1800 hours Mondays to Fridays inclusive; 0600 to 1300 hours on Saturdays”, and this condition shall be retained.

- 6.48 It is considered that the updated control measures are adequate to ensure that residual impact is adequately mitigated and that the revised environmental scheme will provide additional protection than before. It is also noted that noise from the quarry rarely generates complaints and there is no objection from Environmental Health.

Water Impacts

- 6.49 Policy M21 of the Devon Minerals Plan states that proposals will be permitted where they would not harm the quality, availability and/or flow of surface water and ground water and the integrity and function of the water system, both surrounding and, where relevant, within the site.
- 6.50 An assessment of the water environment was undertaken on behalf of the operator via a hydrogeological and hydrological assessment and a flood risk assessment. Further information was requested following a response from the Environment Agency in regard to groundwater levels, which has been provided.
- 6.51 The assessment showed that quarry working had a range of impacts of varying severity from not significant to minor positive in regard to groundwater resources, groundwater quality and surface water flows. It concluded that there would be no change in the magnitude or significance of effects on receptors as a result of the variation in the working area at Rocknell Quarry. The assessment was considered adequate and to the satisfaction of the Environment Agency.
- 6.52 The existing permission has a Section 106 Agreement which requires that a water diversion scheme is approved to the satisfaction of the Environment Agency to ensure that water from the quarry is pumped into the canal at times when a certain level is reached. This scheme is currently under review by the Environment Agency and Devon County Council in its capacity as manager of the Grand Western Canal, and details of this scheme are being finalised.
- 6.53 It is noted that, although negotiations are not complete with regard to the water diversion scheme, this is not material to this application for variation of conditions. The approval of this extended working area at Rocknell would not impact the water arrangements at the area related to the canal, and details of the scheme required by the Section 106 Agreement can be finalised subsequent to approval of this application.

Cumulative Impacts

- 6.54 Policy M26 of the Devon Minerals Plans allows that proposals will be permitted where it can be demonstrated that they will not result in an unacceptable level of cumulative impact when considered in combination with other mineral sites and other existing and proposed development in the locality.
- 6.55 It is considered that the implementation of the proposed development in conjunction with the current operations on the site will not result in significant adverse cumulative effects. The proposed development is designed to operate in conjunction with the existing operations on the site and will not result in intensification of working. It is also considered that the local road network is capable of sustaining the transport generated from other nearby quarries of relevance such as Town Farm Quarry, Hillhead Quarry and Whiteball Quarry just over the Somerset county border.

- 6.56 The evaluation of future cumulative effects from potential development is not straightforward as the interaction between developments is potentially complex and subject to change if developments are delayed or postponed.

Restoration Proposals

- 6.57 Policy M27 of the Devon Minerals Plan requires restoration and aftercare for mineral development where they provide for the restoration and aftercare of the site to a beneficial after-use in a phased manner.
- 6.58 The proposed restoration of the extended extraction area is in line with final restoration of the wider site and retains the same objectives to the current extant permission. The additional extraction area within Rocknell would provide for a slightly enlarged area of the currently permitted waterbody and it is considered that restoration proposals are acceptable.

Overall Sustainability Considerations

- 6.59 From an economic perspective Westleigh Quarry provides full time employment for around 35 people, with 25 of these positions associated with the quarry, 5 with the asphalt plant and 5 with the technical laboratory. Additional non-direct employment is provided in haulage, contract services and the supply of goods. It is estimated by the applicant that the quarry is worth over £1 million per year to the local economy through procurement of services and supplies. It should not be overlooked that the quarry forms an important rural employer.

7. Reasons for Recommendation/Alternatives Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is accepted that there will be some increased impacts for two dwellings from minerals extraction works moving closer, together with some loss of woodland habitat. However, it is considered that the controls and enhancement measures proposed by the applicant would appropriately mitigate these impacts in accordance with the requirements of policies in the Devon Minerals Plan. While local residents have raised a number of concerns over the impacts of the existing quarry, notably on residential amenity, highway safety and the water environment, the proposed conditions and legal agreement include measures for haulage management, highway maintenance, dust monitoring and landscape management that achieve positive benefits over the previous planning permission. Therefore, subject to the conditions set out in Appendix I and a new Section 106 agreement as provided for in the recommendation, it is considered that conditional planning permission should be granted.

Mike Deaton
Chief Planner

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper

Date

File Ref.

Casework File

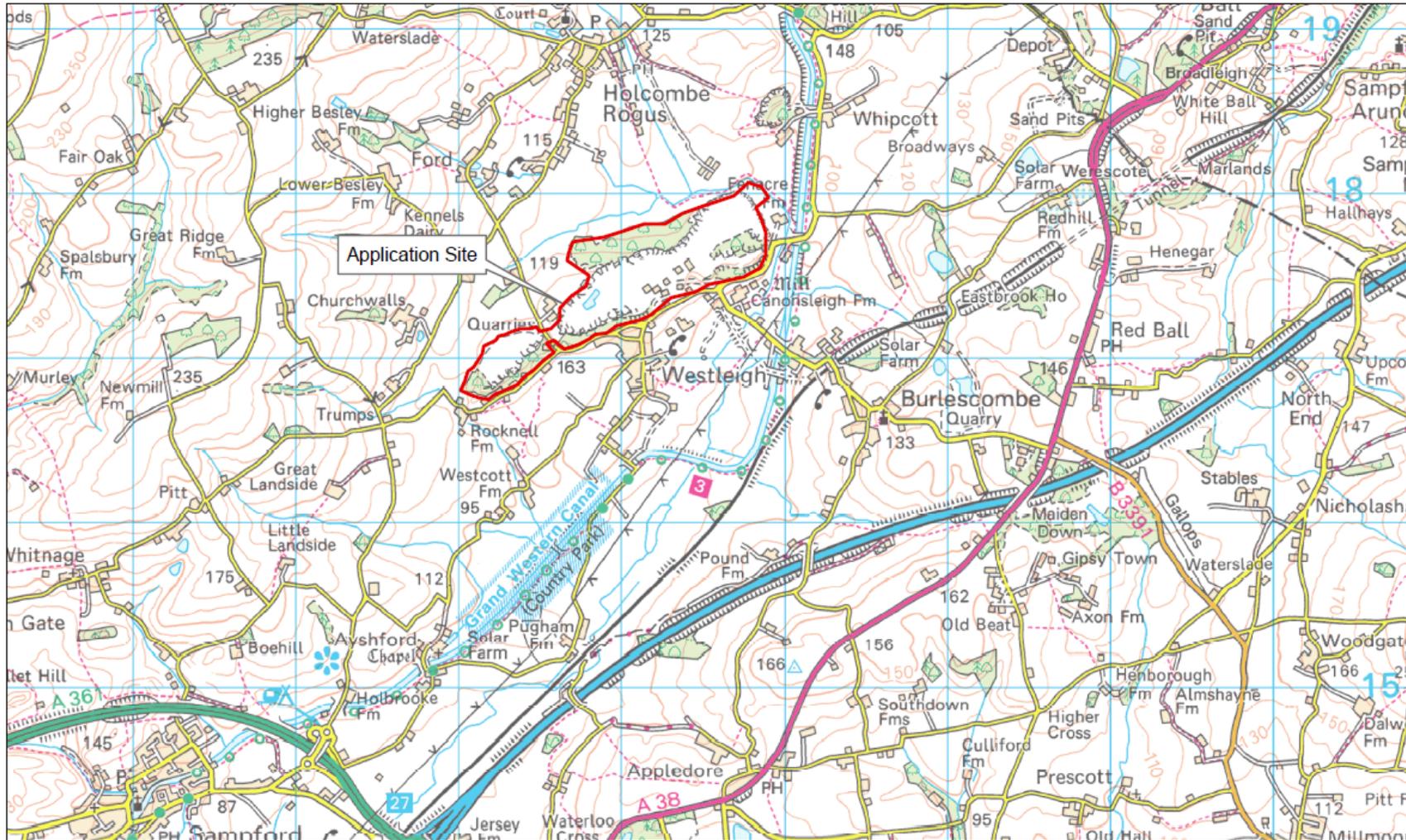
DCC/4007/2017

cp061118dma

sc/crSection 73 application to vary working scheme Westleigh Quarry Burlescombe

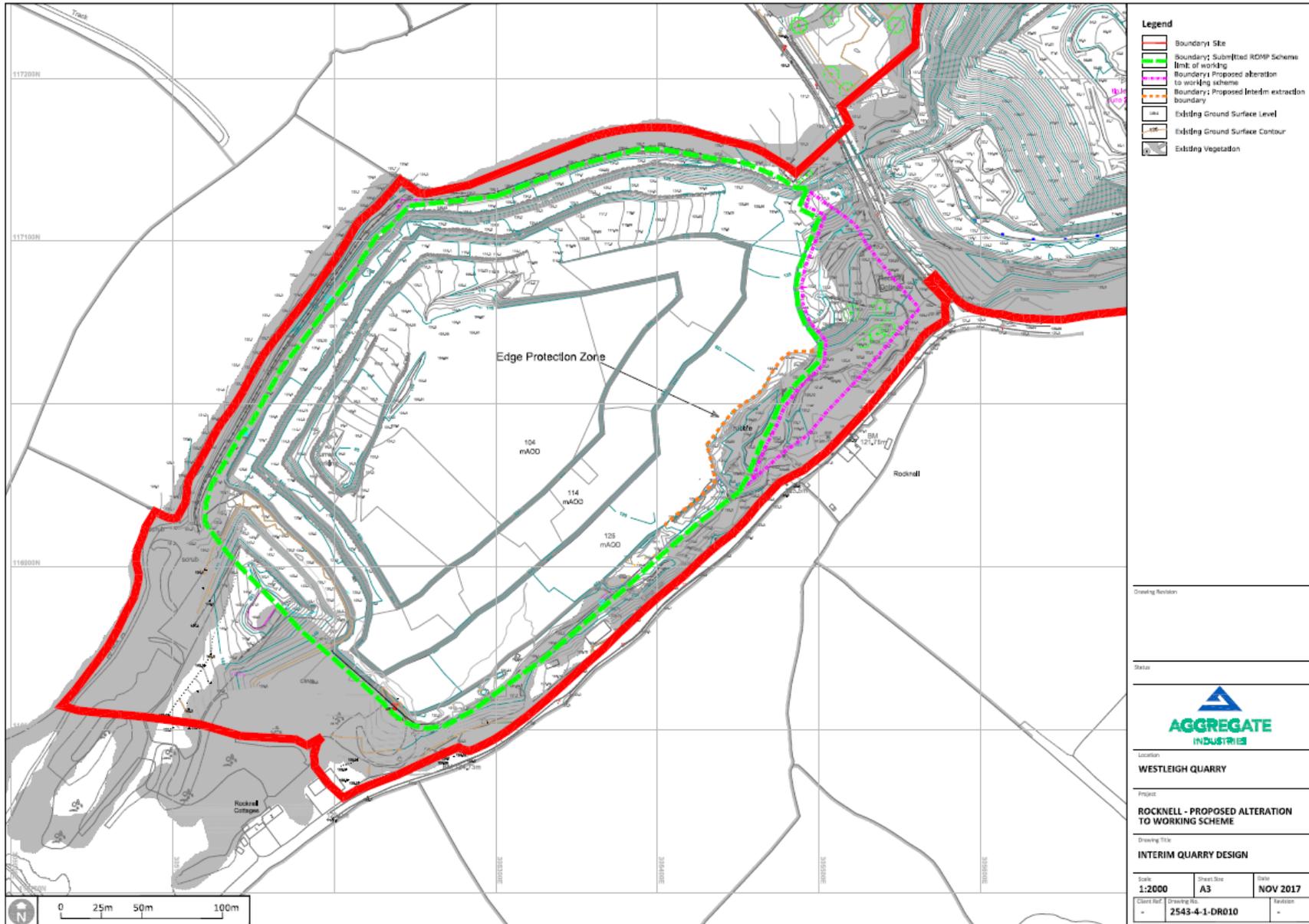
02 201118

Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee	date Nov 2018	scale 1:30,000
		County Matter: Mineral Development: Mid Devon District Council: Section 73 application to vary the approved working scheme to extract an additional 600,000 tonnes at Westleigh Quarry, Burlescombe, Tiverton, EX16 7JB		Application No: 17/01194/DCC

Rocknell Quarry Plan



Planning Conditions

A TIME LIMITS

1. The development to which the permission relates shall cease and the site shall be restored in accordance with the requirements of Condition 26 not later than 23rd July 2046, 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.

B OVERALL CONTROL

2. No development shall be carried out other than in strict accordance with the approved plans referenced 2543-4-1 DR-0001 P1 (Location Plan); 2543-4-5-1 DR-0001 P1 (Existing Conditions); 2543-4-5-1 DR-0002 P1 (Phase 2 Working Plan); 2543-4-5-1 DR-0003 P1 (Phase 3 Working Plan); 2543-4-5-1 DR-0004 P1 (Final Phase Working Plan); and 2543-4-5-1 DR-0005 P1 (Proposed Restoration).

REASON: To enable the Mineral Planning Authority to adequately control the development and to minimise its impacts on the rural character of the locality in accordance with Policies M16 to M27 of the Devon Minerals Plan 2011-2033.

3. (a) Notwithstanding the provisions of Part 17 (Mining and mineral exploration) Class A and B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no fixed plant or machinery, buildings, structures and erections shall be erected, extended or installed except with a base level of below 126 metres AOD, without the prior approval in writing of the Mineral Planning Authority.

(b) Notwithstanding the provisions of Part 17 Class H and M (which relate respectively to Waste Tipping at a Mine and Removal of Material from Mineral-working Deposits) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, no such permitted development shall take place on the site without the prior approval in writing of the Mineral Planning Authority.

REASON: To enable the Mineral Planning Authority to adequately control the development and to protect the amenities of local residents and the character of the locality in accordance with Policies M18, M20 and M23 of the Devon Minerals Plan 2011-2033.

4. Except in emergencies where operations are required to protect life, limb or property, or unless otherwise agreed in writing by the Minerals Planning Authority, no face-working or primary crushing operations shall be carried out except between the following times:

Monday to Friday	0600 to 1800
Saturday	0600 to 1300

And no such operations shall be carried out on Sundays or on the following public holidays unless previously agreed in writing with the minerals planning authority:

New Year's Day
Good Friday
Easter Monday
May Day Holiday
Spring Bank Holiday
Christmas Day
Boxing Day
Such other public holidays as may be subsequently declared.

For the avoidance of doubt, this condition shall not apply to the loading of lorries, the operation of any processing plant, the maintenance of plant and machinery or to the operation of pumps and ancillary machinery for water management or pollution prevention purposes.

REASON: To enable the Mineral Planning Authority to adequately control the development and to protect the amenities of local residents in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

5. No winning and working of minerals shall take place below 32 metres AOD.

REASON: To enable the Mineral Planning Authority to adequately control the development and to minimise the effect on local groundwater resources in accordance with Policy M21 of the Devon Minerals Plan 2011-2033.

6. Any damage to, or impediment of, drainage arrangements serving adjoining land not controlled by the developer caused by the development shall be remedied by the developer at the earliest opportunity to the satisfaction of the Mineral Planning Authority.

REASON: To ensure that the operations have no adverse effect on adjoining agricultural land in accordance with Policy M21 of the Devon Minerals Plan 2011-2033.

7. No imported refuse, waste or other material shall be deposited on any part of the site unless previously agreed in writing with the Mineral Planning Authority.

REASON: To enable the Mineral Planning Authority to adequately control the development and to minimise the risk of pollution to local watercourses/supplies in accordance with Policies M21 and M24 of the Devon Minerals Plan 2011-2033.

8. The development shall be carried out strictly in accordance with the following phased working plans:

Phase 1 working area shown on approved drawing no. 2543-4-5-1 DR-0001 P1
Phase 2 working area shown on approved drawing no. 2543-4-5-1 DR-0002 P1
Phase 3 working area shown on approved drawing no. 2543-4-5-1 DR-0003 P1
Phase 4 working area shown on approved drawing no. 2543-4-5-1 DR-0004 P1
(final working plan).

The developer shall notify the Mineral Planning Authority in writing within two months of the date of commencement of entering into a new phase of working, as identified on the above drawing.

REASON: To enable the Mineral Planning Authority to adequately control and monitor the development.

9. No additional external floodlighting shall be used on any part of the site unless it forms part of a scheme which shall have been previously agreed in writing with the Mineral Planning Authority. Any such agreed scheme shall be modified if so required by the Mineral Planning Authority and may be modified at the developer's request with the prior written consent of the Mineral Planning Authority.

In the interests of the amenities of the local environment in accordance with Policies M17, M18 and M20 of the Devon Minerals Plan 2011-2033.

C LANDSCAPE WORKS

10. A Landscape and Ecological Management Plan for the application site shall be submitted within six months of the date of this permission. This Plan shall include identification of the intended function and structure/composition of each landscape unit within the application site (including the areas referred to in Condition 12 of planning permission 04/06/94/0532), and a timetable for its implementation, management and review.

REASON: To safeguard the rural character of the locality reduce the visual impact of the site and in order to promote nature conservation interests at the site in accordance with Policies M17 and M18 of the Devon Minerals Plan 2011-2033.

11. Existing trees and shrubs on the site which are not directly affected by quarrying operations shall be retained and protected during the period of development. Any such trees or shrubs which die or are removed during the period of development shall be replaced with plants of similar species in the planting season immediately following any such occurrences unless otherwise agreed in writing with the Mineral Planning Authority.

REASON: To safeguard the character of the locality and to minimise the visual impact of the proposed development in accordance with Policy M18 of the Devon Minerals Plan 2011-2033.

12. Until such a time as they are directly affected by quarrying operations, all trees, shrubs and areas of vegetation within the site area shall be retained and managed in order to maximise their nature conservation value.

REASON: To safeguard the character of the locality and to minimise the area of disturbance by quarrying activities in accordance with Policies M17 and M18 of the Devon Minerals Plan 2011-2033.

13. Development within Rocknell Quarry shall be undertaken in accordance with the recommendations of the submitted Arboricultural Assessment (David Jarvis Associates, Revision P2, 14 May 2018), including provision of the protective fencing illustrated on drawing no. 2543-4-5 DR-0002 P1.

REASON: To safeguard the rural character of the locality and to reduce the visual impact of the site in accordance with Policy M18 of the Devon Minerals Plan 2011-2033.

14. Unless otherwise agreed in writing with the Mineral Planning Authority, any trees or shrubs planted pursuant to conditions 10, 12, 13 and 14, which die or are removed within five years of planting, shall be replaced with plants of similar species in the planting season immediately following any such occurrences.

REASON: To safeguard the rural character of the locality and to reduce the visual impact of the site in accordance with Policy M18 of the Devon Minerals Plan 2011-2033.

HISTORIC ENVIRONMENT

15. Limekilns within and adjacent to Rocknell Quarry will be managed in accordance with the measures and monitoring arrangements provided in the submitted Limekiln Monitoring and Management Plan (Aggregate Industries UK Limited, November 2017).

REASON: To safeguard and conserve the historic character of the area in accordance with Policy M19 of the Devon Minerals Plan 2011-2033.

D BLASTING

16. When carrying out blasting operations, the developer shall minimise the propagation of ground borne vibration beyond the perimeter of the site and shall ensure that all blasting procedures are designed, and executed to ensure that the maximum vibration from blasting, expressed in terms of peak particle velocity (ppv) shall not exceed 10mm per second (at 95% confidence level) measurable at any building not under the control of the developer that is used for human habitation and is located outside the site, and shall never exceed 12mm per second at such buildings, unless previously agreed in writing with the Mineral Planning Authority.

REASON: To protect the amenities of local residents and to minimise the risk of damage to nearby buildings in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

17. 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.

REASON: To protect the amenities of local residents and to minimise the risk of damage to nearby buildings in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

18. When carrying out blasting operations, the developer shall minimise the propagation of airborne vibration outside the site.

REASON: To protect the amenities of local residents and to minimise the risk of damage to nearby buildings in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

19. Except as may be essential for reasons of safety, no blasting shall be carried out other than between 0900 and 1600 hours on Mondays to Fridays, and between 0900 and 1300 hours on Saturdays. No blasting shall take place on Sundays nor on public holidays set out in condition 4. The developer shall inform the Mineral Planning Authority in writing within 48 hours of any occurrence outside these times, together with an explanation.

REASON: In the interests of the amenities of the locality in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

E NOISE

20. (a) Noise levels from any or all plant, equipment and quarrying operations within the Westleigh and Fenacre sites 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 1hr (equivalent continuous sound level over a one hour period):
- i). 50dB (freefield) for the period 2200 to 0600 hours,
 - ii) 55dB (freefield) for the period 0600 to 0700 hours, and,
 - iii). 60dB (freefield) for the period 0700 to 2200 hours,
- (b) Noise levels from any or all quarrying operation within the Rocknell site (for hours of operation see Condition 4) 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 1hr (equivalent continuous sound level over a one hour period);
- i). 42dB (freefield) for the period 0600 to 0700 hours, and,
 - ii) 55dB (freefield) for the period 0700 to 1800 hours.
- (c) If the sound measured within the monitoring period contains any continuous definite distinguishable note (whine, hiss, screech, squeal, hum etc) or if there are significant irregularities in the noise including impulse irregularities, such as bangs, clicks, clatters or thumps, then 5dB(A) shall be added to the measured LAeq, one hour prior to the determination of whether the above limits are being complied with.
- (d) The Mineral Planning Authority shall be empowered 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.

The noise limits referred to above may be exceeded where emergency action is essential to the safety of the works, employees of the works or members of the public.

REASON: To protect the amenities of the local area in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

F DUST AND MUD

21. The development shall only be carried out in accordance with the submitted Environmental Scheme (Advance Environmental, 30 June 2017) which shall be complied with at all times, or such other schemes as may subsequently be required and approved in writing by the Mineral Planning Authority.

REASON: To protect the amenities of the locality from the effects of dust and mud in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

G. SOIL STRIPPING AND STORAGE

22. No soil shall be stored other than in locations and in a manner, which shall previously have been agreed in writing with the Mineral Planning Authority.

REASON: In order to ensure that the soils are retained in a suitable condition for landscaping and restoration work in accordance with Policies M21 and M27 of the Devon Minerals Plan 2011-2033.

23. All soil stripping, regrading, subsoiling operations and the spreading of soils and their cultivation shall be carried out only during periods when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure.

REASON: To maintain the structure of soils on the site for the maximum benefit of final restoration works in accordance with Policies M21 and M27 of the Devon Minerals Plan 2011-2033.

24. No topsoil or subsoil shall be removed from the site, except for restoration purposes within the site, unless previously agreed in writing with the Mineral Planning Authority.

REASON: To ensure maximum availability of soil materials for restoration works in accordance with Policies M21 and M27 of the Devon Minerals Plan 2011-2033.

H. RESTORATION

25. The site shall be progressively restored in accordance with the detailed plans listed in condition 8. Unless otherwise agreed in writing with the Mineral Planning Authority, the areas shown to be restored at each particular phase of working shall be completed within a year after the phase of working begins.

REASON: To ensure that the land is progressively restored in the interest of the amenity of local residents in accordance with Policies M23 and M27 of the Devon Minerals Plan 2011-2033.

26. The final restoration of the site shall be strictly in accordance with drawing no. 2543-4-5-1 DR-0005 P1.

REASON: To ensure that the land is adequately restored in accordance with Policy M27 of the Devon Minerals Plan 2011-2033.

I NATURE CONSERVATION

27. Unless otherwise agreed in writing with the Mineral Planning Authority any tree felling or scrub removal associated with the phased development of the site shall take place only during the months of August to March inclusive.

REASON: To minimise disturbance to birds in the nesting season in accordance with Policy M17 of the Devon Minerals Plan 2011-2033.

28. Prior to the demolition of Rocknell Bungalow, a new bat roost shall be provided in accordance with the proposal in paragraph 5.51 of the submitted Ecological Impact Assessment (Michel Hughes Associates, July 2017).

REASON: To ensure adequate protection is given to a species protected under Section 9 of the Wildlife and Countryside Act 1981.

29. Any new cave which is temporarily exposed within the site as a result of quarrying activities shall be netted as soon as is reasonably practicable in order to exclude bats from such caves.

REASON: In order to minimise the effects of quarrying activities upon the bat population in accordance with Policy M17 of the Devon Minerals Plan 2011-2033.

30. Unless otherwise agreed in writing with the Mineral Planning Authority, and notwithstanding conditions 16, 17, 18 and 19 no blasting shall take place within 100 metres of the cave known as Perry's Pot and Festival Cave between the 1st September and the 30th April inclusive.

REASON: In order to limit the impact of quarrying activities on bats hibernating in Perry's Pot and Festival Caves in accordance with Policy M17 of the Devon Minerals Plan 2011-2033.

31. Lockable grills to exclude human access shall be maintained at all entrances to the caves known as Festival Cavern and Perry's Pot. There shall be no access into the above-mentioned caves without the express written consent of the developer.

REASON: To ensure adequate protection is given to a species protected under Section 9 of the Wildlife and Countryside Act 1981.

32. All caves which are exposed during quarrying operations shall be surveyed, photographically recorded and inspected by an appropriate person 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 permission.

REASON: To ensure the adequate recording of important geological features in accordance with Policy M17 of the Devon Minerals Plan 2011-2033.

J. GROUNDWATER PROTECTION

33. 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 compound 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, must be located within the bund. The drainage system of the bund shall be sealed with no outlet to any watercourse, land or underground strata.

REASON: To prevent pollution of the water environment in accordance with Policy M21 of the Devon Minerals Plan 2011-2033.

K. AFTERCARE

34. Unless otherwise agreed in writing with the Mineral Planning Authority:
1. aftercare schemes requiring such steps as may be necessary to bring the site to the required standard for use for amenity shall be submitted for approval by the Mineral Planning Authority not later than the expiration of 10 years following the date of this planning permission.

2. The submitted schemes 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 five years following the completion of the operations required to comply with sub-condition 1 above.
3. Subject to sub-condition 4 below, aftercare of the site shall be carried out in accordance with the aftercare scheme as approved by the Mineral Planning Authority.
4. Where the Mineral Planning Authority agrees in writing with the person or persons responsible for undertaking the aftercare steps, there shall be lesser steps, or a different timing between steps, the aftercare shall be carried out in accordance with the agreement.

REASON: To ensure the site is restored to a condition capable of beneficial use in accordance with Policy M27 of the Devon Minerals Plan 2011-2033.

L PRIOR CESSATION

35. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme which, in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised 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 periods as may be otherwise agreed in writing with the Mineral Planning Authority. The revised scheme as approved shall be carried out within one year of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

REASON: To enable the Mineral Planning Authority to adequately control the development and to ensure that the site is restored to a condition capable of beneficial use in accordance with Policy M27 of the Devon Minerals Plan 2011-2033.

M MONITORING

36. The developer shall notify the Mineral Planning Authority in writing within 2 weeks of the dates of the commencement, completion and restoration dates of each new phase of working and bunding.

REASON: To enable the Mineral Planning Authority to adequately control the development, monitoring and aftercare of the site.

37. During the period of development and restoration of the site, the developer shall undertake monitoring and analysis in accordance with the submitted Environmental Scheme (Advance Environmental, 30 June 2017), and shall keep comprehensive records of monitoring and analysis of the following matters:
 - (a) Groundborne vibration and air overpressure,
 - (b) Noise, and
 - (c) Dust.

The Environmental Scheme shall be reviewed within five years of the date of this permission and any revised Scheme shall be submitted for the approval of the Mineral Planning Authority.

REASON: To enable the effects of any unforeseen circumstances of the development to be adequately monitored during the course of the operations in accordance with Policy M23 of the Devon Minerals Plan 2011-2033.

38. The developer shall within 14 days of being required by the Mineral Planning Authority supply to it copies of the monitoring records and permit access to all monitoring equipment at all times at the request of the Mineral Planning Authority.

REASON: To enable the effects of the development to be adequately monitored during the course of the operations.