

## Planning and Regulatory Committee

### Tuesday, 12 July 2016, County Hall, Worcester - 10.00 am

		Minutes
<b>Present:</b>		Mr R C Adams (Chairman), Ms P Agar, Mr A T Amos, Mrs S Askin, Mr P J Bridle, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr I Hopwood, Mr D W Prodger MBE and Mr R J Sutton
<b>Available papers</b>		The Members had before them: <ul style="list-style-type: none"><li>A. The Agenda papers (previously circulated);</li><li>B. A copy of the summary presentations from public participants invited to speak (previously circulated); and</li><li>C. The Minutes of the meeting held on 17 May 2016 (previously circulated).</li></ul> A copy of documents A-B will be attached to the signed Minutes.
<b>943</b>	<b>Named Substitutes (Agenda item 1)</b>	None.
<b>944</b>	<b>Apologies/ Declarations of Interest (Agenda item 2)</b>	None.
<b>945</b>	<b>Public Participation (Agenda item 3)</b>	Those representations made are recorded at the Minute to which they relate.
<b>946</b>	<b>Confirmation of Minutes (Agenda item 4)</b>	<b>RESOLVED</b> that the Minutes of the meeting held on 17 May 2016 be confirmed as a correct record and signed by the Chairman.
<b>947</b>	<b>Proposed minerals extraction of about 2.2 million tonnes</b>	The Committee considered a County Matter planning application for the proposed minerals extraction of about 2.2 million tonnes of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction and restoration to agriculture,

**of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire (Agenda item 5)**

nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to alternatives, Worcestershire's landbank of sand and gravel reserves, sieve test/methodology, Best and Most Versatile agricultural land, landscape character and appearance of the local area, residential amenities (noise and dust emissions), the historic environment, the water environment, ecology and biodiversity, traffic, highway safety and impacts upon public rights of way, restoration and aftercare of the site, other matters: Economic impact, oil pipeline, cumulative effects, and the Human Rights Act 1998.

The Head of Strategic Infrastructure and Economy concluded that the proposal sought to extend the existing Clifton Quarry southwards and eastwards beyond the A38 to extract approximately 2.2 million tonnes of sand and gravel over a period of about 11 years. The extracted mineral would be transported via a conveyor to be processed at the existing Clifton Quarry plant site, which was located to the west of the A38, within the Clifton Arles woodland A sequence of seven phases across the two extensions areas were proposed with progressive restoration to agricultural land with wetland areas together with complementary planting and habitat creation.

Paragraph 145 of the NPPF stated "minerals planning authorities should plan for a steady and adequate supply of aggregates by...making provision for the maintenance of landbanks of at least 7 years for sand and gravel". As required by the NPPF the County Council has produced a Local Aggregate Assessments (LAA), to assess the demand for and supply of aggregates in Worcestershire.

Although planning permission had been granted in May 2016 by the Planning and Regulatory Committee for the extraction of about 1.4 million tonnes of sand and gravel at Ryall Court Quarry, near Upton-upon-Severn, the landbank for Worcestershire was likely to be less than approximately 1.72 years. Consequently, the County Council currently did not have sufficient reserves of sand and gravel available with planning permissions to meet its share of the sub-regional apportionment and annual

provision requirements based on sales in accordance with the NPPF and PPG. Should this planning application be granted, it would increase the landbank by only approximately 2.53 years.

The adopted Minerals Local Plan allocated Preferred Areas for the working of sand and gravel in the County. Whilst the existing Clifton Quarry processing plant and previous permitted extraction areas (prior to the 2006 planning permission extension) were allocated within the adopted Minerals Local Plan ('Committed Area: Clifton'), the proposed eastern and southern extension areas fell outside of the allocated Committed Area. Therefore, the proposal needed to be judged against Policy 2 – 'Other Sand and Gravel Deposits' of the adopted Minerals Local Plan. It was considered that on balance the proposal would comply with Policy 2 of the adopted Minerals Local Plan.

With regard to the consideration of alternatives, the applicant considered a no development scenario as well as alternative extents of the proposed Extraction Area stating that "the rationale of the planning application is to recover remaining sand and gravel reserves from the existing site and to extend that current business using the existing plant site. The consideration of alternative locations for the development was therefore, restricted to considering alternative extents of the extension area". The Head of Strategic Infrastructure and Economy considered that the approach taken to the consideration of alternatives was acceptable.

About 43.6 hectares of land would be restored to BMV agricultural land (at least Grade 2), which would result in a net loss of about 14.2 hectares of BMV land (Grade 3a). The applicant stated that based on the available soil resources, calculations indicated that about 22.4 hectares in the eastern extraction area could be restored to potential Grade 1 BMV agricultural land, but this would rely on a free draining restored profile overlaying a permeable restoration base in continuity with the water table. The net result was that although 14.2 hectares of Grade 3a land would be lost, 22.4 hectares of Grade 2 land could be restored to potential Grade 1 quality. On balance, the Head of Strategic Infrastructure and Economy considered that subject to the imposition of appropriate conditions the proposal met the objectives of the NPPF in respect of soils and Best and Most Versatile (BMV) agricultural land.

Based on the advice of the County Landscape Officer, it

was considered that the proposal would not have an unacceptable impact upon the character and appearance of the local area, subject to the imposition of appropriate conditions, in accordance with Policy SWDP 25 of the adopted South Worcestershire Development Plan.

The Head of Strategic Infrastructure and Economy considers that, subject to the imposition of appropriate conditions relating to operating hours, requiring a detailed lighting scheme and implementation of the mitigation measures outlined in the submitted Environmental Statement (Air Quality and Noise Sections) that there would be no adverse air pollution, noise, dust or lights impacts on residential amenity or that of human health.

A number of heritage assets were located within the context of the application site, this included 6 Grade II Listed Buildings located within Clifton Village; the Grade II Listed Building of The Cottage (1 Lower Sandford) located within the application site, situated immediately adjacent to the eastern extraction area; and the Grade I Listed Building of 'The Panorama', which was located approximately 1.4 kilometres south-east of the proposed eastern extraction area. Based on the advice of Historic England, National Trust and the County Archaeologist, it was considered that the proposed development would not have an unacceptable impact upon heritage assets, subject to the imposition of an appropriate conditions, in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan.

It was considered that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, including the Clifton Arles LWS and adjacent Ashmoor Common SSSI, or upon the water environment subject to the imposition of appropriate conditions, which included a condition requiring a scheme for water monitoring and trigger levels before commencing development in the eastern extension area, as recommended by the Environment Agency and Natural England. This scheme would take the form of a Section 106 Agreement. It was also considered the proposal would result in a net increase in biodiversity, in accordance with Section 11 of the NPPF. The Head of Strategic Infrastructure and Economy considered that the integrity of the SSSI would be protected.

Based on the advice of the County Highways Officer and County Footpath Officer, the Head of Strategic Infrastructure and Economy was satisfied that the

proposal would not have an unacceptable impact upon traffic, highway safety or Public Rights of Way, subject to the imposition of appropriate conditions.

The Head of Strategic Infrastructure and Economy acknowledged that the NPPF afforded significant weight to the need to support economic growth. It was considered that the proposal would provide a small number of direct employment opportunities, secure the continued operation of processing sand and gravel at Clifton Quarry, thereby securing the existing jobs, as well as contributing to the wider growth aspirations for the county through the supply of local aggregates to the market. Therefore, it was considered that the proposal would provide substantial sustainable economic development benefits to the local economy in accordance with the NPPF.

On balance, taking into account the provisions of the Development Plan and in particular Saved Policy 2 of the adopted County of Hereford and Worcester Minerals Local Plan and Policies SWDP 1, SWDP 2, SWDP 3, SWDP 4, SWDP 5, SWDP 6, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 28, SWDP 29, SWDP 30, SWDP 31, SWDP 32 and SWDP 62 of the adopted South Worcestershire Development Plan, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

The representative of the Head of Strategic Infrastructure and Economy introduced the report and highlighted the following typographical errors in the recommendation:

- The reference in condition qq) to conditions ss) and tt) should read conditions rr) and ss)
- "manufactures" should read "manufacturer's" in condition vv) vii.

He also added in relation to the consultees that Mr Adam Rea was a former member of Malvern Hills District Council following the May elections. The reference in para 44 of the report to Standford Villa Farm should read Sandford Villa Farm.

He indicated that members had visited the site and observed the processing plant in the Clifton Arles LWS and ancient woodland. Members noted the location of Clifton Village and phase 10 of the extraction and restoration. Members visited the northern tip of the eastern section. Members observed the location the

Ashmoor SSSI from Lower Sandford Cottage and viewed the southern extension of the proposed extension area from Sheepcote Farm.

He added that since the publication of the report, the application had indicated that the proposed bund at Lower Sandford Cottage would be 3 metres in height rather than 5 metres as originally proposed.

Mr Stephen Powell an objector to the proposal, addressed the Committee. He commented that although he recognised the importance of the bund for reducing noise and pollution, it was inappropriate that the proposed bunds would be 5 metres in height and 5 metres from his property, Lower Sandford Cottage. A bund of 2-3 metres in height and 30 metres away from his property would be more acceptable. In this respect he therefore queried why the proposed bund for the village of Clifton was considered acceptable 200 metres from the village. His property was at risk of flooding which related directly to the water levels in the brook. He was concerned about the risk of flooding as a result of this proposal. The proposal to pump production waste water into the brook would put his property at a higher risk of flooding despite the introduction of flood defence mechanisms at his own expense. If permission was granted, he argued that the applicant/and or the local authority should indemnify him against the full cost of restoration of his property should it be flooded as a result of this application.

In response to Mr Powell's presentation, the following points were made:

- The representative of the Head of Strategic Infrastructure and Economy indicated that the bund at Lower Sandford Cottage would now be 3 metres high not 5 metres as originally proposed. The distance of the proposed bund would be 20 metres not 5 metres from his property. Policy 2 of the Minerals Local Plan stated that for 6 properties or more, a buffer of 200 metres from these properties was required and this was the case for the village of Clifton
- In response to a query about the number of times his property had flooded, Mr Powell commented that the cottage had flooded in 2000 and despite an assurance that it was a 1 in a 1,000 year incident, water had overcome flood defences and flooded again in 2007. A small amount of water had also entered the property 2 years ago. The

key issue was the water levels in the area and the capacity of the brook to deal with further water being pumped into it as a result of the proposed operations

- In response to a query, Mr Powell indicated that in the past there had always been capacity in the brook but for a number of reasons it was now at full capacity
- In response to a query, Mr Powell indicated that he had not any contact with anyone in relation to the activities at the quarry or been invited to attend meetings of the Liaison Group.

Mr Nick Atkins addressed the Committee on behalf of the applicant. He commented that application was seeking an extension to the existing Clifton Quarry. There was 6 weeks worth of mineral reserves remaining at the quarry. The proposed extension would secure approximately 2.2 million tonnes of high quality sand and gravel reserve providing a further 11 years of production. The existing mineral processing plant would remain in its current position for the duration of the extended quarry and the minerals would be fed back into it by conveyor. There would be no amendment to existing operating hours or throughput. The development would secure a mix of restored agricultural land, conservation grassland, marginal wetland and open water on final restoration to achieve a range of habitat that were biologically diverse and would create a rich and varied landscape.

He recognised the concerns expressed by Mr Powell about the bund but stated that noise modelling had indicated that a bund 3 metres high and 20 metres from his property was necessary to preserve the amenity of the property. However proposed condition g) vii. provided flexibility to review this through the life of the operations on site. Communications had taken place with the owners of Sheepcote Farm as it would be affected by the first phase of the operations however he would arrange to meet with Mr Powell as the works progressed. In addition condition ooo) allowed for the reconstitution of the liaison group and he would look to include Mr Powell.

He added that a Flood Risk Assessment had been carried out and the EA and the local flood authority had raised no objection. The Assessment concluded that phases C and D would result in an increase in the flood plain capacity. The development would retain 8 no. FTE jobs and create a further 2 FTE posts on site, in addition to an estimated 20 PTE jobs in connection with transport and local trading. It would provide a steady supply of

aggregate as set out in national policy. In addition there had been no complaints about the existing operations on site.

In response to Mr Atkins presentation, it was queried what would happen to the tenant farmers on the proposed site. Mr Atkins responded that the tenant farmers had been engaged in consultation on the impact of the proposals and associated timescale. There was a substantial stretch of the extension area plus the existing quarry that would be returned to agricultural use and the tenant farmers could speak to the landowner about its future use following restoration.

In the ensuing debate, the following principal points were raised:

- The local councillor expressed his appreciation of the efforts of officers in producing the report. He commented that the main concern from local residents related to the potential flood risk. However in light of the fact that the Environment Agency had not objected and that all the major concerns, particularly in relation to phasing and restoration had been addressed by officers in the report and through appropriate conditions, the proposal should be supported
- The Chairman stated that this was a large application in terms of its scale and he reminded members that they needed to take all the issues into consideration, not just the need for a minerals landbank before making a decision
- The sand and gravel extracted as a result of this application should be used for the benefit of the local economy in Worcestershire. Could this be made the subject of a condition? The representative of the Head of Strategic Infrastructure and Economy responded that sand and gravel was expensive to transport and therefore it was likely that most of the extracted deposits would be sold for use locally. However, the use of sand and gravel was determined by the market and therefore it was not appropriate to impose a condition
- In relation to the concerns expressed by the British Horse Society about the proximity of Bridleway SS-537 to the proposed conveyor with the impact of the low rumble from its operation, had their request to use Footpath SS-530 as an alternative been considered? The representative of the Head of Strategic Infrastructure and



Economy stated that it was not considered that the impact of the noise from the conveyor would be significant and the County Footpath Officer had not objected, noting the proximity of the A38 to the bridleway

- There was a need for the extraction of sand and gravel given the expected housing development and possible associated infrastructure work in south Worcestershire. Even accounting for this proposed extraction area, the landbank of sand and gravel for Worcestershire would still be below the Government's target of a 7 year supply. The application was compliant with local plans and policies. There was no increase in HGV movements. The processing would take place in the same location. The proposed conditions addressed a number of potentially negative aspects of the proposal. The proposals would have a temporary impact on the lives of local residents due to the phasing of the operations/restoration and although there would be a short term detriment to the landscape and the amenity of local residents, there would be a long term benefit to the landscape
- It was difficult to ascertain whether the proposed operations would increase the flood risk for the area. Perhaps the applicant could partially indemnify residents affected by flooding. There should be a condition that phases 9 and 10 of the restoration should be completed by the end of the year. The representative of the Head of Strategic Infrastructure and Economy commented that it was not recommended that a condition was imposed because restoration was dependent on weather conditions. In addition, condition n) set out the programme for the proposed restoration plans. The monitoring officer would also ensure that the applicant was complying with the permission
- The Liaison Group had an important role in ensuring that local people were kept informed of developments on the site and monitoring and restoration updates would be reported to it
- Was there any kind of Section 106 agreement to review the potential for flooding before work began on the eastern extension? The representative of the Head of Strategic Infrastructure and Economy explained that condition ddd) prevented development commencing on the eastern extension area until a scheme for surface and groundwater monitoring

principally for the purposes of protecting the integrity of the adjacent Ashmoor Common SSSI had been approved through a Section 106 Agreement

- The possibility of providing signage on the bridleway to alert horse riders of work in progress should be investigated.

**RESOLVED** that having taken the environmental information into account planning permission be granted for the proposed minerals extraction of about 2.2 million tonnes of sand and gravel by the phased extension to an existing sand and gravel quarry, a new concrete batching plant, consolidation of existing sand and gravel extraction and restoration to agriculture, nature conservation uses and lakes at Clifton Quarry, Clifton Arles Wood, Severn Stoke, Worcestershire, subject to the following conditions:

#### Permission

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The operator shall provide written notification to the Mineral Planning Authority at least seven days prior to:
  - i. The commencement of the development hereby permitted;
  - ii. The date of commencement of mineral extraction in any phase;
  - iii. The date of completion of mineral extraction in any phase; and
  - iv. The completion of mineral extraction;
- c) All mineral extraction shall cease and the site shall be restored in accordance with the approved restoration scheme as required by Condition i) before 31 December 2030. Should extraction cease before this date the Mineral Planning Authority shall be notified in writing within 1 month of extraction ceasing;
- d) No extraction of sand and gravel shall take place outside the limit of the extraction boundary shown on the Drawing titled: M11.177(h).D.021A;
- e) This permission does not allow the importation of

waste material onto the site;

#### Approved Documents and Drawings

- f) The development hereby permitted shall be carried out in accordance with the following documents and drawings, except where otherwise stipulated by conditions attached to this permission:

#### Documents:

- Planning Statement, Vol 3, dated Jan 2015

#### Drawings:

- M11.177(h).D.044 Site Location Plan, ES Drawing No. 2/1, dated Nov 2014
- M11.177(h).D.019 Current Situation, ES Drawing No. 2/2, dated Nov 2014
- M11.177(h).D.045 Local Environmental Receptors (5km Radius), ES Drawing No. 2/3, dated Nov 2014
- M11.177(h).D.046 Local Environmental Receptors (1km Radius), ES Drawing No. 2/4, dated Nov 2014
- M11.177(h).D.048 Borehole & Superficial Geology, ES Drawing No. 2/5, dated Nov 2014
- M11.177(h).D.049 Isopachyte – All Mineral, ES Drawing No. 2/6, dated Nov 2014
- M11.177(h).D.051 Application Area and Land Under the Control of the Applicant, ES Drawing No. 2/7, dated Nov 2014
- M11.177(h).D.021A Block Phasing, ES Drawing No. 3/1, dated Jul 2015
- M11.177(h).D.030 Sections, ES Drawing No. 3/2, dated Nov 2014
- M11.177(h).D.020 Current On-Site Operations, ES Drawing No. 3/3, dated Nov 2014
- M11.177(h).D.022 Phase A - Working & Restoration, ES Drawing No. 3/4, dated Nov 2014
- M11.177(h).D.023 Phase B - Working & Restoration, ES Drawing No. 3/5, dated Nov 2014
- M11.177(h).D.024 Phase C - Working & Restoration, ES Drawing No. 3/6, dated Nov 2014
- M11.177(h).D.025 Phase D - Working & Restoration, ES Drawing No. 3/7, dated Nov 2014
- M11.177(h).D.026 Phase E - Working & Restoration, ES Drawing No. 3/8, dated Nov 2014
- M11.177(h).D.027 Phase F - Working & Restoration, ES Drawing No. 3/9, dated Nov 2014
- M11.177(h).D.028 Phase G - Working & Restoration, ES Drawing 3/10, dated Nov 2014

- M11.177(h).D.029 Restoration Strategy, ES Drawing No. 3/11, dated Nov 2014
- M11.177(h).D.047 Elevations of Concrete Batching Plant, ES Drawing No. 3/12, dated Nov 2014
- M11.177(h).D.050 Conveyor Tunnel Plan & Sections, ES Drawing No. 3/13, dated Nov 2014
- M11.177(h).D.052 Plant Site Layout and Proposed Concrete Batching Plant, ES Drawing No. 3/14, dated Nov 2014
- M11.177(h).D.053 Local Known Services, ES Drawing No. 3/15, dated Nov 2014
- M11.177(t).D.001 Trees and Hedgerows Retained and Removed, dated Aug 2015;
- M11.177(t).D.002 Programme of Progressive Restoration, dated Aug 2015
- M11.177(t).D.003A Restoration to Agricultural Grassland & Riparian Woodland, dated March 2016
- M11.177(t).D.004 Restoration to Damp Woodland & Hedgerow Planting, dated Aug 2015
- M11.177(t).D.005 Restoration Sections A – D, dated Aug 2015
- M11.177(t).D.006 Restorations Sections E – H, dated Aug 2015
- M11.177(t).D.007A Section Location Plan, dated March 2016
- M11.177(t).D.008 Fencing Specification, dated Aug 2015
- M11.177(t).D.009 Listed Building Locations (overlain onto ZTV of Proposed Extraction), dated Aug 2015, and
- M11.177(t).D.011 Aftercare / Management Time Duration, dated Jun 2016.

#### **Quarry Progress Plan**

- g) **At 12 monthly intervals after the date of the permission, the applicant shall submit a quarry progress plan to the Mineral Planning Authority. The quarry progress plan shall:**
  - i. **Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale;**
  - ii. **Identify areas of the site that have been subject to mineral extraction in the previous 12 months and/or will be subject to mineral extraction in the forthcoming 12 months, including the locations, design and formation of the proposed working areas and any temporary tracks or trafficking**

- routes;
- iii. Identify areas of the site that have been subject to restoration in the previous 12 months and/or will be subject to restoration in the forthcoming 12 months;
  - iv. Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and/or will be subject to aftercare in the forthcoming 12 months;
  - v. Identify areas of the site that have been subject to soil stripping in the previous 12 months and/or will be subject to soil stripping in the forthcoming 12 months;
  - vi. Quantify the soils and overburden to be encountered in the forthcoming 12 months and provide details of their intended placement and storage over that period;
  - vii. Positioning and formation of any noise attenuation bunds and mineral stockpiles;
  - viii. Set out any necessary adjustment to the approved phasing and restoration plans to take account of the site circumstances over the previous 12 months including any necessary diversion or retention of oil pipeline apparatus;
  - ix. Positioning and formation of any diverted Public Rights of Way proposal; and
  - x. A copy of the quarry progress plans shall be kept on site and made available for inspection by the Mineral Planning Authority during the approved working hours.

#### **Working Hours**

- h) Except in emergencies, all operations and uses on the site including the running of any plant or machinery, shall only take place between 07:00 to 19:00 hours Mondays to Fridays, inclusive, and 07:00 to 13:00 hours on Saturdays, with no operations on the site at any time on Sundays or Bank Holidays. The Mineral Planning Authority shall be informed in writing within 48 hours of an emergency occurrence that would cause working outside the stipulated hours;

#### **Restoration**

- i) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed restoration scheme for the site, including the processing plant area shall be submitted to and

approved in writing by the Mineral Planning Authority. The detailed restoration scheme shall include the form of the proposed water bodies to ensure that they have an irregular and natural form, and shall ensure the land is free from ponding and capable of receiving an effective artificial under-drainage system. Thereafter the development shall be carried out in accordance with the approved scheme;

- j) All plant and buildings, including conveyors shall be removed within 12 months of the completion of mineral extraction at the site;

#### Aftercare

- k) The nature conservation area shall undergo aftercare management for a 10-year period as defined on Drawing Numbered: M11.177(t).D.011; all other land within the application site shall undergo aftercare management for a 5-year period. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the Mineral Planning Authority;
- l) Within 12 months of the commencement of the development hereby approved, an outline aftercare scheme shall be submitted to and approved in writing by the Mineral Planning Authority. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for the land uses shown on the Restoration Scheme, as required by Condition i). These steps shall include the following:-
- i. Control of invasive species;
  - ii. Timing and pattern of vegetation establishment;
  - iii. Cultivation practices;
  - iv. Management of soil, fertility and weeds;
  - v. Drainage;
  - vi. Irrigation and watering;
  - vii. A timetable for undertaking the aftercare scheme; and
  - viii. The establishment of an aftercare working group comprising of the operator, the Mineral Planning Authority and ecological specialists including a timetable for frequency of meetings. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years

having regard to the condition of the land, progress on its rehabilitation and necessary maintenance.

- m) A Detailed Aftercare Scheme shall be submitted to and approved in writing by the Mineral Planning Authority, not later than three months prior to each of the aftercare working group meetings, as required by Condition I). The scheme shall elaborate on the Outline Aftercare Strategy as required by Condition I), and shall include a programme of aftercare operations and management to be carried out in the forthcoming year; a review of the previous years' aftercare operations and management; confirm which steps specified in the Outline Aftercare Strategy shall be carried out as originally intended; and include any modifications to the approved Outline Aftercare Strategy proposals. Thereafter, the development shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the Mineral Planning Authority following each aftercare working group meetings;

#### **Phasing**

- n) The development hereby approved shall be carried out in accordance with the working programme as shown on Drawing Numbered: M11.177(h).D.021A and progressive restoration as shown on Drawings Numbered: M11.177(t).D.002;

#### **Landscape**

- o) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed planting scheme to include native species, sizes, numbers, spacing, densities; locations; a planting specification, hedgerow infill and an outline of which hedgerows and trees shall be managed to allow them to grow up, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or

diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species;

- p) All existing trees, shrubs and hedgerows to be retained shall be protected by suitable fencing in accordance with BS5837:2012, as identified on Drawing Numbered: M11.177(t).D.001. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence. In the event of any trees, shrub or hedgerow being damaged or removed by the development, it shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;
- q) Within 12 months of the commencement of the development hereby approved, a scheme for the restoration of historic water management features such as sluices shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;
- r) Notwithstanding the submitted details, prior to the construction of the concrete batching plant hereby approved, the detailed design of the concrete batching plant shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

#### **Soil Handling and Storage**

- s) All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009);
- t) Soil stripping shall not take place until any standing crop or vegetation has been cut and removed;
- u) The topsoil and subsoil shall be stripped to the full depth and stored separately. Wherever possible both topsoil and subsoil shall be directly placed as part of restoration following stripping;



- v) All stripped topsoils and subsoils shall be permanently retained on site for subsequent use in restoration, as detailed in the application;
- w) For purposes of storage and placement of soils, topsoil shall only be mixed with topsoil and subsoil shall only be mixed with subsoil or other soil-making materials;
- x) Prior to the use of any area for the storage of subsoil or overburden that area shall first be stripped of topsoil;
- y) Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations;
- z) Plant and vehicles shall not cross an area of replaced and loosened ground, replaced soil making material, subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines should work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil;
- aa) The Mineral Planning Authority shall be notified in writing at least seven days prior to the following stages:
  - i. Before each phase of soil stripping is due to commence;
  - ii. Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
  - iii. When soil making material or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
  - iv. On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations;
- bb) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in any phase, a scheme for the design location,

height, gradient, volume and details of all soil material contained within each soil bund within that phase shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

- cc) Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition;
- dd) Prior to re-spreading of soil making materials, subsoil or topsoil, the upper 100mm of the surface shall be prepared so that it does not contain material injurious to plant growth. Stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours;
- ee) Working and restoration schemes shall be designed so that no large areas of subsoil are left without topsoil and crop cover over winter. Subsoils or soil making material shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition.
- ff) Topsoil shall be re-spread to achieve at least the minimum settled depth of 300mm. Subsoil and any soil making materials shall be levelled to provide an even depth across the re-laid area so that the total thickness of settled subsoil together with the topsoil conforms with the approved landform referred to in Condition i);
- gg) Where wet weather conditions render it impractical to complete topsoil reinstatement and it becomes clear that operations cannot be completed before winter then the surface of the reinstated soil should be temporarily seeded (by hand if necessary) to provide some ground cover and aid drying out the soil in the spring. Details of how the vegetation should be treated the following spring should be agreed in writing by the Mineral Planning Authority before restoration resumes the following season. Necessary precautions shall be undertaken to control surface-water run-off and prevent soil erosion;
- hh) Any part of the site, which is significantly affected

by differential settlement that occurs during the restoration and aftercare period, and would interfere with agricultural operations shall be filled. The operation shall fill the depression to the final settlement contours specified with suitable soils from within the site to the specification to be submitted to be agreed in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

#### **Access and Highways Safety**

- ii) Prior to the commencement of soil stripping operations, a Construction Environmental Management Plan (CEMP) for Highways shall be submitted to and approved in writing by the Mineral Local Planning Authority. The CEMP for Highways shall include the following:
  - i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
  - ii. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
  - iii. The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;

Thereafter, the development shall be carried out in accordance with the approved scheme;

- jj) Notwithstanding the requirements of Condition ii) above, the existing site access and the haul road from the A38 to its entrance into Clifton Arles Wood shown on Drawing Numbered: M11.177(h).D.021A, shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare;
- kk) Notwithstanding the requirements of Condition ii) above, the existing wheel washing facility shall be retained and maintained in good working order until the completion of the restoration of the site;
- ll) No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material deposited on the highway;

mm) No development shall commence of the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A, until a scheme for the detailed design and method of construction of the conveyor tunnel underneath the A38 and its subsequent removal and land reinstatement upon completion of mineral extraction in the eastern extension area shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

nn) All sand and gravel shall be transported by field conveyor from the extraction area to the processing plant in Clifton Arles Woodland;

oo) Notwithstanding the submitted details, prior to the construction of the tunnel underneath Bridleway SS-537, as shown on Drawing Numbered: M11.177(h).D.025 details of its design, construction and land reinstatement upon completion of mineral extraction in Phase D shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme;

#### Lighting

pp) Details of any new lighting to be installed at the site shall be submitted to the Mineral Planning Authority for approval in writing prior to being erected. These details shall include:-

- i. Height of the lighting posts;
- ii. Intensity of the lights;
- iii. Spread of light in metres (Lux plan);
- iv. Any measure proposed to minimise the impact of the lighting or disturbance through glare;
- v. Any measures to minimise the impact of lighting upon protected; species and habitats, in particular bats; and
- vi. Times when the lighting would be illuminated;

#### Noise

qq) Within 6 months of the date of this permission, a detailed Noise Monitoring Scheme shall be submitted to and approved in writing by the

**Mineral Planning Authority. The Scheme shall include but not be limited to the following details:**

- i. The arrangements for the monitoring of noise emitted from the site;**
- ii. The noise monitoring points;**
- iii. The equipment and methods to be used to monitor noise;**
- iv. The monitoring frequency and periods;**
- v. The presentation of results to the Mineral Planning Authority;**
- vi. The steps to be taken in the event that the measured (or calculated) noise exceeds the permitted limits as defined in Conditions rr) and ss); and,**
- vii. The steps to review the Scheme;**

**Thereafter, noise monitoring shall be carried out in accordance with the approved Scheme.**

**rr) No site operations with the exception of the topsoil and subsoil stripping and other works in connection with the construction and removal of soil bunds referred to in Condition ss), shall result in the site attributable noise exceeding 55 dB LAeq (1-hour) (free-field) as recorded at any noise sensitive properties;**

**ss) During the construction and removal of soil bunds, the noise levels at the nearest noise sensitive properties shall not exceed 70 dB LAeq (1-hour) (free-field) and be limited to a period not exceeding 8 weeks in a calendar year at any one property;**

**tt) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use fully operational silencers;**

**uu) All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices;**

**vv) The following measures shall be undertaken to minimise noise emissions within the site arising from all operations including vehicular movements, extraction operations, minerals,**

**soils and overburden stockpiling and soil spreading operations:**

- i. All haul roads are kept clean and maintained in a good state of repair to avoid unwanted rattle and body slap from vehicles;**
- ii. All mobile plant and heavy goods vehicles within the site shall move in a manner to minimise, as far as is practical and safe, noise from reverse warning systems;**
- iii. The minimisation of drop heights during loading and unloading of sand and gravel;**
- iv. All plant engine covers shall be closed whilst the plant is in operation except when undertaking maintenance and repair work;**
- v. Plant that is used intermittently, shall be shut down when not in use;**
- vi. Any pumps, generators and compressors shall either be electrically powered and fitted with an acoustic cover where necessary; or diesel powered pumps, generators and compressors shall be installed within acoustic enclosures; and**
- vii. All field conveyors shall be maintained in accordance with the manufacturer's specifications;**

**Dust**

**ww) The following measures shall be undertaken to suppress dust emissions within the site arising from all operations, including vehicular movements, extraction operations, minerals, soils and overburden stockpiling and soil spreading operations:**

- i. The provision of a water bowser and/or static/mobile spraying units, which shall be used at all times when there is a risk of dust arising from the moving and storage of soil and overburden, mineral extraction, processing and manoeuvring operations;**
- ii. The sweeping of access and haul roads, where necessary;**
- iii. The minimisation of drop heights during loading and unloading of sand and gravel;**
- iv. all plant and vehicles shall have upward facing exhausts to ensure that emissions are directed away from the ground;**
- v. there shall be a maximum speed limit of 20 mph within the site;**
- vi. All vehicles leaving the site and transporting**

- aggregate shall be securely sheeted; and
- vii. the cessation of operations in conditions when dust cannot be controlled;

#### **Water Environment**

- xx) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and site glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels, overflow pipe outlets shall be detailed to discharge downwards into the bund;
- yy) Within the eastern extension area hereby approved, dewatering shall only take place from the mineral workings contained in Phases D to E and the southern section of Phase F. Phase G and the northern section of Phase F shall be worked wet for mineral extraction. No dewatering shall take place within Phase G and the northern section of Phase F, as identified on Drawing Numbered: M11.177(h).D.021A. A scheme for the setting up of a permanent marker that allows operatives and officers from the Mineral Planning Authority a means of visually checking this extent shall be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A. The approved marker shall be erected and maintained on site for the duration of mineral extraction in Phases D, E, F and G;
- zz) There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses and/or 8 metres of any side

of an existing culverted watercourse, inside or along the boundary of the site;

aaa) Notwithstanding the submitted details, prior to the commencement of soil stripping operations in Phase C as shown on Drawing Numbered: M11.177(h).D.021A, a scheme for the flood risk mitigation measures as outlined within 'Table 3: Summary impact & Mitigation Schedule' on Page 20 of 'Appendix 9/10: Flood Risk Assessment', dated Aug 2014 shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

bbb) Within 12 months of the commencement of the development hereby approved, a scheme that sets out how the water level within the restored lakes would be regulated and managed shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

ccc) A surface water drainage plan for the operation of the concrete batching plant hereby approved shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall incorporate flood resilience measures and controls for surface water run-off. Thereafter, the development shall be carried out in accordance with the approved details;

#### **Hydrometric Surface & Groundwater Monitoring**

ddd) No development shall commence in the eastern extension area (Phases D to G), as shown on Drawing Numbered: M11.177(h).D.021A, until a scheme for surface and groundwater monitoring principally for the purposes of protecting the integrity of the adjacent Ashmoor Common Site of Special Scientific Interest (SSSI) has been approved in writing by the Mineral Planning Authority in consultation with Natural England and the Environment Agency. The scheme shall include:

i. Pre (collection of a minimum of 24 months baseline water monitoring), during and post extraction monitoring of the existing onsite



monitoring boreholes as shown in the Environmental Statement - Volume 1 - Part C - Appendices Chapter 9 - Hydrology and Hydrogeology, Drawing Numbered: PSL Ref: M11.177(h).R.009;

- ii. Monitoring locations (surface and groundwater);
- iii. Method and nature of measurement;
- iv. Design and method of installation of monitoring boreholes;
- v. A programme detailing frequency and duration of monitoring along with details of how and when the monitoring data and the Scheme itself shall be reviewed to assess if impacts (if any) are occurring;
- vi. Trigger levels when action is required to protect a water feature; reporting mechanism; and
- vii. Details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent on a water feature;

Thereafter, the development shall be carried out in accordance with the approved scheme and the scheme shall continue to be implemented and maintained as required;

eee) The existing hydrometric monitoring equipment that has been installed for the purposes of protecting the Ashmoor Common Site of Special Scientific Interest (SSSI), Clifton Arles Local Wildlife Site (LWS), The Bogs LWS and Brickpits Plantation & Sandford Pits LWS, as shown in the Environmental Statement - Volume 1 - Part C - Appendices Chapter 9 - Hydrology and Hydrogeology, Drawing Numbered: PSL Ref: M11.177(h).R.009 shall be maintained in good working order until the scheme for the proposed extended hydrometric monitoring scheme set out in Condition ddd) has been approved and implemented;

fff) Readings from the existing hydrometric monitoring equipment referred to in Condition eee) shall be taken at least once every calendar month for the duration of soil stripping, mineral extraction and restoration of the southern extension area (Phases A, B and C) as shown on Drawing Numbered: M11.177(h).D.021A and the results of such monitoring shall be submitted to the Mineral Planning Authority once every calendar month, together with at least once every six calendar months, a short

commentary of the results until the scheme for the proposed extended hydrometric monitoring scheme set out in Condition ddd) has been approved and implemented;

#### **Ecology and biodiversity**

**ggg) Within 3 months of the commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) for Ecology shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP for Ecology shall include, but not be limited to the following:**

- i. Risk assessment of potentially damaging construction activities;**
- ii. Identification and appropriate fencing, exclusion barriers and signage of “biodiversity protection zones”;**
- iii. Sensitive working methods and the steps to be taken to avoid harm to ecological receptors;**
- iv. The times during construction when specialist ecologists need to be present on site to oversee works;**
- v. Measures to protect badgers from being trapped in open excavations and/or pipework and culverts; and**
- vi. Details of the requirements for ongoing ecological monitoring of the site; and**

**Thereafter, the development shall be carried out in accordance with the approved scheme;**

**hhh) Within 3 months of the development hereby approved, a scheme for the mitigation measures to protect the integrity of the Clifton Arles Local Wildlife Site (LWS) and Ancient Woodland shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the location and details of the fencing to surround the processing plant site to address the risk of encroachment of material stores into the LWS and Ancient Woodland site. Thereafter, the development shall be carried out in accordance with the approved scheme;**

**iii) Within 12 months of the commencement of the development hereby approved, a Woodland Management Plan for the Clifton Arles Local Wildlife Site and Ancient Woodland shall be**

submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;

**jjj) Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a Habitat Management Plan shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

**kkk) All vegetation clearance at the site shall be undertaken outside the bird nesting season which generally extends between March and September inclusive. If this is not possible then any vegetation that is to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally;**

**III) Within 12 months of the commencement of the development hereby approved, a scheme for the provision of invertebrate, bat and bird boxes including at least one artificial barn owl box on the site shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the specification, number, location and timetable for their installation. Thereafter, the development shall be carried out in accordance with the approved details;**

**mmm) Within 12 months of the commencement of the development hereby approved, the content, design and location of biodiversity and geodiversity interpretation panels shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details;**

#### **Archaeology**

**nnn) Notwithstanding the submitted details, prior to the commencement of soil stripping operations, a programme of archaeological work, including a**

**Written Scheme of Investigation, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions; and:**

- 1. The programme and methodology of site investigation and recording;**
- 2. The programme for post investigation assessment;**
- 3. Provision to be made for analysis of the site investigation and recording;**
- 4. Provision and timetable to be made for publication and dissemination of the analysis and records of the site investigation;**
- 5. Provision and timetable to be made for archive deposition of the analysis and records of the site investigation; and**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;**

**Thereafter the development shall be carried out in accordance with the approved scheme;**

#### **Local Liaison**

**ooo) Within 6 months of the date of this permission a scheme that sets out measures for liaison arrangements with the local community shall be submitted to, and approved in writing by the Mineral Planning Authority. The approved scheme shall be implemented for the duration of the development;**

#### **In the event of Cessation of Workings**

**ppp) In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved restoration and aftercare scheme which in the opinion of the Mineral Planning Authority constitutes a permanent cessation, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval for the Mineral Planning Authority, within 6 months of the cessation of winning and working sand and gravel. The revised scheme shall be implemented within 12 months of its approval in writing by the Mineral Planning Authority or such revised timescale as shall be determined by the Mineral Planning Authority.**

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The meeting ended at 11.07am.

Chairman .....