

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr David Pitt, David Jarvis Associates Ltd, 1 Tennyson Street, Swindon, SN1 5DT**

Agent for: **Aggregate Industries UK Ltd, Stoneycombe Quarry, Bickley Road, Kingskerswell, Newton Abbot, TQ12 5LL**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **3 August 2016**, and the plans and drawings attached thereto numbered: **V07840/02, V07840/03 and V07840/04.**

brief particulars of which are as follows:

Variation to conditions 3 and 19 of Planning Permission 97/P1588 to alter the working and restoration of the site at Venn Ottery Quarry, Venn Ottery, Devon

subject to the conditions set out in the attached sheets



on behalf of the Head of Planning, Transportation and Environment

Date: 20 October 2016

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

TEMPORARY PERMISSION

1. Quarrying operations shall cease before 1 April 2017 and the site shall be restored in accordance with the requirements of Condition 19 not later than 31 December 2018.

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

CONDITIONS (OPERATIONAL)

2. No mineral extraction operations hereby permitted shall be carried out on the Mineral Site other than between:

- 0700 and 1800 hours on Mondays to Fridays inclusive;
- 0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or on the following Public Holidays:

New Years Day,
Good Friday,
Easter Monday,
May Day Holiday,
Spring Bank Holiday,
Summer Bank Holiday,
Christmas Day,
Boxing Day.

Such other Public Holidays as may subsequently be declared unless previously agreed in writing with the Mineral Planning Authority.

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

Reason: In order to protect the amenity of the locality in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

3. No development shall be carried out other than in strict accordance with the Approved Plans reference numbers V07840/02; V07840/03; and V07840/04.

Reason: To enable the Mineral Planning Authority adequately to control the development and to protect the rural character of the locality in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

4. No materials for the purpose of storage, processing or resale shall be imported into the Mineral Site.

Reason: In order to limit the development to the extraction of minerals and to prevent the unnecessary increase in traffic attracted to the site in the interests of highway safety in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

5. No refuse, waste or imported materials shall be deposited on any part of the Mineral Site.

Reason: In the interests of local amenity and in order to secure satisfactory restoration in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

6. No working shall take place below 70 metres AOD.

Reason: In order to protect water resources in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

7. No topsoil or subsoil shall be removed from the area of the Mineral Site.

Reason: To ensure that adequate and suitable material is available to reinstate the mineral site on completion of working in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

8. Topsoil and subsoil mounds shall not exceed a height of 4 metres and shall be managed and maintained in accordance with a scheme detailing measures to be used to retain the viability of the heathland seed bank for its future use for the restoration of the site. The scheme shall be submitted for the prior approval of the Mineral Planning Authority before any further soil stripping occurs at the site and shall include methods for the strict control of the growth of gorse (*Ulex europaeus*).

Reason: To ensure adequate management and maintenance of soil storage areas for the future restoration of the site in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

9. Until such time as they are directly affected by quarrying operations, all trees, shrubs and areas of heathland within the Mineral Site shall be retained and managed.

Existing trees, shrubs and areas of heathland on the Mineral Site which are not directly affected by quarrying operations shall be retained and protected during the period of the development.

Reason: In the interests of amenity and wildlife conservation in accordance with the Development Plan specifically policy MP10 of the Devon County Minerals Local Plan (Adopted June 2004).

10. All loaded lorries leaving the site, except for vehicles less than three and a half tonnes gross vehicle weight, and vehicles carrying stones in excess of 75mm shall be adequately sheeted to secure their loads and prevent the issuing of dust.

Reason: To protect the amenities of the locality and in the interests of highway safety in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

11. The site shall be operated in accordance with the approved Environmental Dust Scheme provided by Advance Environmental (dated 25 March 2009). The scheme shall be reviewed when any change in process occurs. A copy of any revised scheme produced shall be submitted to the Mineral Planning Authority for approval within 14 days of being completed. Such a scheme shall include details of the following:

- (a) the suppression of dust and mud caused by the moving and storage of soil and overburden, and,
- (b) mud and dust suppression on haul roads.

The approved scheme, or such other scheme that may be subsequently agreed in writing by the Mineral Planning Authority, shall be implemented and complied with at all times.

Reason: To protect the amenities of the locality from the effects of dust and mud in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

12. The site shall be operated in accordance with the approved Environmental Noise Scheme provided by Advance Environmental dated 20 January 2011. The scheme shall be reviewed when any change in process occurs. A copy of any revised scheme produced shall be submitted to the Mineral Planning Authority for approval within 14 days of being completed.

Such a scheme shall provide that, except for temporary operations (which shall include soil stripping and such other temporary operations as may be agreed in writing by the Mineral Planning Authority), the equivalent continuous noise level LAeq (1hr) at the nearest noise sensitive properties to the site and attributable to the operations subject to this consent shall not exceed an absolute limit of 50dB(A) LAeq (1hr). The operator shall implement the approved scheme.

Reason: To protect the amenities of the locality from the effects of noise in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

13. All plant, machinery and vehicles used within the Mineral Site shall be fitted with silencers (or such other effective methods of sound proofing) used and maintained in accordance with the manufacturer's specification at all times.

Reason: To ensure minimum disturbance from operations and the avoidance of nuisance to the local community in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

14. All facilities for storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to 110% of the capacity of the tank. If there is multiple tankage, the compound shall be at least equivalent to 110% of the capacity of the largest tank. All filling points, vents and sight glasses shall be located within the bunded area. The drainage system of the bund shall be sealed with no outlet to any watercourse, land or underground strata. For the avoidance of doubt hydraulically interlinked tanks shall be regarded as a single tank.

Reason: To prevent contamination of ground water in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

15. No external floodlighting or other methods of external illumination shall be used on any part of the Mineral Site until such a time as a lighting scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the height of floodlighting posts, intensity of the lights (specified in Lux levels), spread of light including approximate light spillage, measures proposed to minimise the impact of the floodlighting or disturbance through glare, and the times when such lights will be illuminated.

Reason: To protect the rural character of the locality from the effects of uncontrolled light sources in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

16. The surfacing of the site access and associated access drainage shall be maintained in an effective state of repair until completion of the mineral working, restoration and aftercare period so that the access remains free of water and slurry from the Mineral Site flowing

onto the public highway. No other access shall be used for traffic entering or leaving the Mineral Site unless previously agreed in writing with the Mineral Planning Authority.

Reason: In the interests of highway safety in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

17. The site access visibility splay shall be maintained to provide intervisibility between the site access and the adjoining carriageway for 215 metres in each direction from a distance of 4.5 metres measured into the site access back from the carriageway.

The visibility splay area shall be maintained at a height not exceeding 600mm above road level.

Reason: In the interests of highway safety in accordance with the Development Plan specifically policy MP41 of the Devon County Minerals Local Plan (Adopted June 2004).

RESTORATION AND AFTERCARE

18. Within 6 months of the date of this Decision Notice a detailed restoration scheme, based upon the concept restoration scheme shown on Drawing Plan No: V07840/04 shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- The final levels of the reclaimed land and the slopes/profiles of final quarry faces.
- The machinery to be used soil respreading operations.
- Method of soil replacement.
- Methods for the reestablishment of heathland communities and other wildlife features.
- Subsequent management of the restored area.

Restoration of the Mineral Site shall be carried out in strict accordance with the approved scheme, or such alternative schemes as may be subsequently approved in writing by the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority adequately to control the development and to ensure that the land is restored to a condition capable of beneficial use in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

19. An aftercare scheme detailing necessary steps to be taken to restore Venn Ottery quarry to the required standard for use for heathland and grassland shall be submitted for approval to the Mineral Planning Authority not later than the expiration of one year prior to the anticipated date of completion of the restoration of the site.

The steps to be taken shall cover a period of five years from the completion of the replacement topsoils.

Reason: To comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 (as amended) and to ensure that the reclaimed land is correctly husbanded and bring the land to the standard required for agriculture/amenity use in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

20. All plant and buildings shall be removed from the site on completion of quarrying at the mineral site.

Reason: To ensure the adequate restoration of the site in accordance with the Development Plan specifically policy MP56 of the Devon County Minerals Local Plan (Adopted June 2004).

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.