

COUNTY OF DEVON

ENVIRONMENT ACT 1995 Section 96 and Schedule 14 PERIODIC REVIEW OF MINERAL PERMISSIONS

DETERMINATION OF CONDITIONS IN RESPECT OF OLD MINERAL PLANNING PERMISSIONS

To: **Mr Richard Agnew, RJA Planning Services, 17 Tabet Avenue, Exeter, EX1 2UE**

Agent for: **Mr Geoff Horrell & Ms Vanessa White, Tudor Lodge, Hearson Quarry, Swimbridge, Barnstaple, EX30 0QH**

The Devon County Council hereby determines the conditions to which the following planning permissions and review consents described in the application for approval of conditions dated **27 May 2016** are to be subject:

Planning Permission Reference	Date	Description
02/81/369/60/4	13/08/81	Working Minerals
02/60/30232/60	13/06/01	Determination of conditions in respect of old mineral permissions (superseded by this Periodic Review consent)

in respect of: **Hearson Quarry, Swimbridge, Barnstaple, Devon, EX30 0QH.**

The conditions to which the above planning permissions are subject, shall be as set out in the attached sheets (numbered 3 to 8), and these conditions shall be in substitution for the conditions previously imposed upon the above permissions.

A handwritten signature in black ink, appearing to read "Dave Bluck".

on behalf of the Head of Planning, Transportation and Environment

DATE: 18/08/2016

NOTES

It is the view of the Mineral Planning Authority that whilst the conditions imposed by the Mineral Planning Authority differ from those submitted by the applicant, the effect of these new conditions does not further restrict working rights such that the economic viability of operating the site, or the asset value of the site would be prejudiced adversely to an unreasonable degree.

Environment Act 1995 Schedule 14 Paragraph 9

Appeals to the Secretary of State

1. The applicant has a right of appeal to the Secretary of State when the Mineral Planning Authority determines conditions which differ from those submitted by the applicant.
2. If you want to appeal, then you must do so within 6 months of the date of this notice, 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 www.planningportal.gov.uk/pcs

Schedule of Conditions - North Devon District Council Application No. Devon County Council Ref. DCC/3871/2016

1. TIME LIMITS

The development to which this permission relates shall cease and the site shall be restored on or before 22nd February 2042.

REASON: In accordance with Schedule 5 of the Town and Country Planning Act 1990.

2. DEVELOPMENT ACCORDING TO SUBMITTED PLANS

No development shall be carried out other than in strict accordance with the Approved Plans referenced HEA 3, HEA 4 (amended June 2001) and HEA 5.

REASON: To ensure that the development is carried out in strict accordance with the approved details.

3. REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any other Order amending, replacing or reenacting that Order); No fixed plant or machinery, buildings, structures or erections, or private ways other than those shown on Approved Plan HEA 4 (amended June 2001) shall be erected, extended, installed or replaced at the site.

REASON: To enable the Mineral Planning Authority to adequately control the development according to the submitted application and approved details, to minimise the duration of disturbance from the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policies MP7 (Areas of Great Landscape Value); MP41 (Development Control Considerations) and North Devon Local Plan Policy DVS3 (Amenity Considerations).

4. OUTPUT RESTRICTION

The total amount of materials removed from the Mineral Site shall not exceed 800 tonnes per annum.

REASON: To minimise the impact of the development on the local highway network and general amenity of local residents in accordance with Devon Minerals Local Plan Policies MP41 (Development Control Considerations) and MP43 (Transport of minerals) and North Devon Local Plan Policies DVS3 (Amenity Considerations) and TRA6 (General Highway Considerations).

5. DEPTH RESTRICTION

No winning and working of minerals shall take place below 104 metres AOD.

REASON: To ensure the development is carried out in accordance with the submitted application and approved details. To minimise the effect of the development on the groundwater resources and landscape and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policies MP7 (Areas of Great Landscape Value); MP41 (Development Control Considerations); MP45 (Water Resource Protection) and North Devon Local Plan Policy DVS6 (Flooding and Water Quality)

6. BLASTING RESTRICTION

No blasting shall be carried out at this Mineral Site.

REASON: To protect the amenity of the local environment and communities from the effects of noise and vibration associated with blasting at the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP41 (Development Management Considerations) and North Devon Local Plan Policy DVS3 (Amenity Considerations).

7. TIPPING RESTRICTION

The area for tipping shown hatched blue on Approved Plan HEA 4 (amended June 2001) shall be used only for the disposal on non-decomposable, non-toxic and nonputrescible wastes arising from the operations hereby permitted.

REASON: To limit the visual impact of the development on the surrounding area in accordance with North Devon Local Plan Policy ENV1 (Development in the Countryside).

8. IMPORTATION OF MATERIALS RESTRICTION

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

REASON: To ensure the development is carried out in accordance with the submitted application and approved details. To minimise the duration of disturbance from the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP52 (Importing materials to mineral sites).

9. WASTE IMPORTATION RESTRICTION

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

REASON: To ensure the development is carried out in accordance with the submitted application and approved details. To minimise the duration of disturbance from the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policies MP41 (Development Control Considerations) and MP56 (Restoration).

WORKING PROGRAMME

10. HOURS OF OPERATIONS

No operations, including vehicle movements, other than essential maintenance to plant and machinery and emergency procedures to maintain safe quarry working, shall be carried out on the site other than between:

0800 hours and 1830 hours on Mondays to Fridays

0900 hours and 1700 hours on Saturdays

at no time on Sundays or on the following Public Holidays

- i). New Year's Day
- ii). Good Friday
- iii). Easter Monday
- iv). May Day Holiday
- v). Spring Bank Holiday
- vi). Summer Bank Holiday
- vii). Christmas Day
- viii). Boxing Day
- ix). Such other Public Holidays as may be subsequently declared, unless previously agreed in writing with the Mineral Planning Authority

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP41 (Development Control Considerations).

11. LOCATION AND HEIGHT OF STOCKPILES

Stockpiling of minerals shall be restricted to locations within the mineral working area outlined in orange and hatched brown in Approved Plan HEA 4 (amended June 2001) and shall not exceed a height of 4 metres above the height of the quarry floor, unless otherwise agreed in writing with the Mineral Planning Authority.

REASON: To limit the visual impact of the development on the surrounding area in accordance with North Devon Local Plan Policy ENV1 (Development in the Countryside).

12. PROTECTION OF PERIPHERAL AREAS

No winning and working of minerals, tipping of mineral waste, movement of quarry vehicles and other operations associated with the winning and working of minerals shall be carried out in the areas hatched green on Approved Plan HEA 4 (amended June 2001).

REASON: To protect biodiversity interests and the landscape character in accordance with North Devon Local Plan Policy ENV8 (Biodiversity).

13. PROTECTION OF EXISTING TREES AND VEGETATION

The existing trees and bushes within the Mineral Site shall be retained and shall not be felled, lopped or topped in areas outside of the Area of Extraction (outlined in orange on Approved Plan HEA 4 [amended June 2001]) without the previous written consent of the Mineral Planning Authority. Clearance of vegetation within the Area of Extraction shall only be carried out within the winter season (October to February).

REASON: To protect biodiversity interests and the landscape character in accordance with North Devon Local Plan Policy ENV8 (Biodiversity).

14. PREVENTION OF WEED GROWTH

The Mineral Site shall be kept free from injurious weeds (as defined by the Weeds Act 1959) and all necessary steps shall be undertaken to control injurious weeds at an early stage of growth to prevent their spreading.

REASON: To ensure that the site does not become a source of weed seeds in the locality and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP10 (Maintenance of the County's Nature Conservation Resource) and North Devon Local Plan Policy ENV8 (Biodiversity).

15. CONTROL OF DUST

A scheme detailing the suppression of dust shall be submitted to and agreed in writing by the Mineral Planning Authority within 6 months of the date of this Decision Notice.

The scheme shall include the methods employed for:

- (a) The suppression of dust caused by the moving and storage of soils and overburden, stone and other materials within the site:
- (b) The winning and working of stone:
- (c) The suppression of dust on haul roads.

Once approved, the scheme shall be implemented immediately and shall be used during the life of the development.

REASON: To protect the amenity of the local environment and communities from the effects of dust arising from the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP41 (Development Management Considerations).

16. CONTROL OF NOISE

Noise emitted from the Mineral Site shall not exceed 55dB (A) LAeq, 1h (free field) between the hours of 0800 and 1830 Mondays to Fridays and 0900 and 1700 Saturdays and 45dB (A) LAeq, 1h (free field) at any other time as measured on the boundaries of the Mineral Site.

REASON: To minimise the effect on the living conditions of local residents in accordance with Devon Minerals Local Plan Policy MP41 (Development Management Considerations).

17. MUD AND DUST ON ROADS

No mud, dust and other debris originating from the Mineral Site shall be deposited on the public highway.

REASON: In the interests of highway safety, to prevent mud, dust water or other debris getting on the highway and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP41 (Development Management Considerations).

18. SURFACE WATER

A scheme detailing the methods employed for the management of surface water emanating from the Mineral Site shall be submitted to and agreed in writing by the Mineral Planning Authority within 6 months of the date of this Decision Notice.

This scheme shall include the measures to be undertaken to dispose of surface water from the site and to prevent sediment, solids and other materials entering nearby watercourses

Once approved, the scheme shall be implemented immediately and shall be used during the life of the development.

REASON: To protect the water environment and ensure that the risk of flooding is not increased in accordance with Devon Minerals Local Plan policies MP45 (Water Resource Protection) and MP 47 (Flood Risk and Flood Plains).

SOILS

19. SOIL EXPORTATION, MOVEMENT AND STORAGE

- No topsoil or subsoil shall be removed from the area of the Mineral Site unless previously agreed in writing with the Mineral Planning Authority.
- Movement of soils shall only be carried out during periods when the soils are in a suitably dry and friable condition to prevent compaction. Subsoils and topsoils shall be transported and stored separately, and shall be prevented from mixing and kept free from contamination.
- Subsoil and topsoil heaps shall not exceed 3 metres in height unless otherwise agreed in writing with the Mineral Planning Authority, and shall be graded, seeded with grass and all necessary steps shall be taken to control weeds at an early stage of growth to prevent their seeding.

REASON: To ensure that all available soils are retained in the best possible condition for maximum benefit to the final restoration works in accordance with Devon Minerals Local Plan policy MP56 (Restoration).

LANDSCAPING, RESTORATION AND AFTERCARE

20. RESTORATION OF THE MINERAL SITE

The restoration scheme for the Mineral Site shall be submitted to the Mineral Planning Authority not later than 2 years from the date of this Decision Notice or within 6 months of the completion of mineral working, whichever is the sooner. The scheme shall include details, together with a timetable for the implementation of:

1. The intended after-use of the site.
2. The removal of plant and buildings.
3. The reinstatement of any plant area, buildings and access roads.
4. Any backfilling operations.
5. The treatment of the old quarry faces, including spreading of soils, ground preparation and planting on the bench.
6. The final levels of the reinstated land.
7. Land drainage.
8. The spreading of overburden, subsoils, specifying depths of each, and methods of cultivation prior to the spreading of topsoil.
9. The spreading of topsoil, specifying depths and methods of cultivation to create a seedbed suitable for seeding and planting.
10. Seed mixtures of grasses and/or conservation mixtures.
11. Tree planting, to include details of size, mix of species, spacing and staking and sheltering and maintenance arrangement.

12. Fencing and /or hedge planting.
13. Measures to be undertaken for the control of weeds.
14. Access provision.
15. Proposed management arrangements to promote long term nature conservation interest.

Once approved, the scheme shall be implemented and complied with at all times.

REASON: To ensure that the land is restored to a condition capable of beneficial after-use and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP56 (Restoration) and North Devon Local Plan Policies ENV8 (Biodiversity) and DVS3 (Amenity Considerations).

21. RESTORATION IN EVENT OF CESSATION OF WORKING

In the event of a cessation of winning and working of minerals prior to the achievement of the completion of mineral working and tipping referred to in Condition 1, 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 scheme, to include details of reclamation and aftercare, shall be submitted in writing to the Mineral Planning Authority within 6 Months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

REASON: ensure the satisfactory restoration and aftercare of the operational areas in the event of premature cessation of the quarrying activities to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP56 (Restoration) and North Devon Local Plan Policies ENV8 (Biodiversity) and DVS3 (Amenity Considerations).

22. AFTERCARE SCHEME

An aftercare scheme, to run for five years and requiring such steps as may be necessary to bring the site restored under Conditions 22 and 23 to the required standard for the intended after-use shall be submitted for the approval of the Mineral Planning Authority not later than 2 years from the date of this Decision Notice, or within 6 months of the completion of mineral working, whichever is the sooner, and thereafter be implemented as approved unless previously agreed in writing with the Mineral Planning Authority. This scheme shall include provision for the replacement of any dead/diseased landscaping that is planted pursuant to the restoration scheme.

REASON: To ensure that the restored land is husbanded in a condition capable of a sustained beneficial use similar to surrounding land in the same use and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP56 (Restoration) and North Devon Local Plan Policies ENV8 (Biodiversity) and DVS3 (Amenity Considerations).

RECORD KEEPING AND NOTIFICATIONS

23. SUPPLY OF OUTPUT FIGURES

The operator shall keep chronological written records of tonnages of all material removed from the Mineral Site and shall permit officers of the Mineral Planning Authority to inspect these at all times.

REASON: In order that the Mineral Planning Authority can adequately monitor the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP41 (Development Control Considerations).

24. NOTIFICATION OF STAGES IN DEVELOPMENT

The developer shall notify the Mineral Planning Authority in writing within 1 month of the date of the following:

- A) Completion of mineral working.
- B) Completion of restoration works.
- C) Completion of aftercare scheme.

REASON: In order that the Mineral Planning Authority can adequately monitor the development and to comply with policies of the Development Plan: in particular Devon Minerals Local Plan Policy MP56 (Restoration).

OTHER CONTROLS

25. BUNDING AND STORAGE FACILITIES

Any liquid (other than water) shall be stored in appropriate tanks and containers which shall be housed in an area(s) surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all the containers and associated pipework. The floor and walls of the bunded area(s) shall be impervious to both water and oil and pipes shall vent downwards into the bunded area. This facility shall be maintained so as to prevent any egress of fluids.

REASON: To minimise the risk to water resources and wildlife in accordance with Devon Minerals Local Plan Policies MP41 (Development Control Considerations) and MP45 (Water Resource Protection).

26. FENCING

For the duration of the operations hereby permitted, a stock-proof fence of hedge shall be maintained around this Mineral Site, as shown in Approved Plan HEA 4 (amended June 2001) so as to prevent livestock entering the Mineral Site. A stockproof fence shall also be maintained along the northern boundary of the field in the southern part of the Mineral Site if this is used for the grazing of livestock.

REASON: In the interest of safety and amenity in accordance with Devon Minerals Local Plan Policy MP41 (Development Control Considerations).

27. LIGHTING

No external floodlighting shall be used on any part of the site unless previously agreed in writing with the Mineral Planning Authority. Any such agreed scheme shall not be modified without the written approval of the Mineral Planning Authority.

REASON: To protect the amenity of the local area in accordance with North Devon Local Plan policy DVS3 (Amenity Considerations).

28. GEOLOGICAL ACCESS

The developer shall afford access at all reasonable times to any person(s) nominated by the Mineral Planning Authority representing nature conservation interests with a bona fide interest in geological study and shall allow them to observe and record the geological features of the Mineral Site.

REASON: In the interests of geological conservation, in accordance with Devon County Minerals Local Plan Policy MP41 (Development Control Considerations) and North Devon Local Plan Policy ENV12 (Locally Important Wildlife or Geological Sites).