

Planning Permission Number: 9/2007

Planning Application Number: BC/CM/2006/33

Date Application Registered: 18/12/2006

District Council Area: Mid Beds District Council

Location of Site: Whitsundoles Farm, Broughton Road, Salford

Grid Reference: 492200240100

Proposed Development: Clay extraction with restoration using imported waste.

Applicant: ET Hall & Sons

Agent (if any): Gill Pawson

Richard Watts
Deputy Director of Environment

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**NOTICE OF
GRANT
OF PLANNING
PERMISSION**

**Town & Country Planning
Acts**

**Town & Country Planning
General Development
Orders**

.....
signed

**Richard Watts
Deputy Director
of Environment**

.....
date

In pursuance of its powers under the Town & Country Planning Acts and Orders the County Council of Bedfordshire being the Local Planning Authority for the Administrative County hereby **GRANTS** planning permission for the proposed development as set out above and otherwise in accordance with the application submitted subject to the following conditions contained on the attached sheet(s).

YOUR ATTENTION IS DRAWN TO THE NOTES APPENDED

NOTES APPENDED TO DECISION NOTICE

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 for Communities & Local Government under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at 3/17 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State for Communities & Local Government can allow a longer period for giving notice of an appeal, but he 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 for Communities & Local Government need not consider an appeal if it seems to him 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 Secretary of State for Communities & Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) 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.

PLANNING CONDITIONS FOR PERMISSION 9/2007

CLAY EXTRACTION AT WHITSUNDOLES FARM QUARRY.

1. Planning permission shall extend to the area edged with a thick black line and shaded on the attached plan no. BC/CM/2006/33-1. The development shall be carried out in accordance with the planning application dated 11th December 2006 and the accompanying supporting information, as amended by letter dated 12th February 2007, and e mails dated 15th March 2007 and 23rd March 2007, except for minor amendments which may be agreed in writing by the County Planning Authority.
(Reason: To define the permission and allow for minor amendments).
2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
(Reason: To prevent the accumulation of unimplemented planning permissions).
3. The extraction of clay shall cease before 31 December 2007.
(Reason: To ensure that all operations are completed within an acceptable timescale and to prevent the prolonged disturbance from the development to the local environment).
4. Waste operations hereby permitted shall cease before 31 June 2009.
(Reason: To ensure that all operations are completed within an acceptable timescale and to prevent the prolonged disturbance from the development to the local environment).
5. The site shall be restored in accordance with the approved restoration scheme before 31 December 2009.
(Reason: To ensure that all operations are completed within an acceptable timescale and to prevent the prolonged disturbance from the development to the local environment).
6. Unless otherwise approved in writing by the County Planning Authority, no development authorised under this permission shall take place within 9 metres of the bank top of adjacent watercourses within the control of the Internal Drainage Board.
(Reason: To prevent water pollution and flooding).
7. No operation connected with this permission shall take place until the limits of mineral extraction have been marked out on site using wooden pegs not more than 30 metres apart.
(Reason: To define boundaries).
8. Unless otherwise approved in writing by the County Planning Authority no operations authorised or required under this permission, other than plant maintenance, shall take place except between 0700 hours and 1730 hours, Monday

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to Friday and 0700 hours to 1300 hours on Saturday, and no operations shall take place on Sundays and Public Bank Holidays.

(Reason: To minimise disturbance to residential properties and in the interests of highway safety).

9. Unless otherwise agreed in writing by the County Planning Authority the maximum number of HGV's entering the site, for the purposes of planning permissions 32/2006, 12/2006 and 9/2007, shall not exceed 134 vehicles (268 movements) per day.

(Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the site and to minimise disturbance to residential properties.)

10. A record of daily lorry movements and annual production levels shall be maintained at all times and shall be made available for inspection by the County Planning Authority within 7 working days of a written request.

(Reason: To allow the monitoring of condition 9.)

11. There shall be no access to the site other than via the existing quarry entrance.

(Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the site).

12. No plant or machinery shall be used on site unless fitted and operated with efficient noise suppression equipment.

(Reason: To minimise any nuisance to nearby residents by reason of noise).

13. At all times adequate precautions shall be taken to keep roads free of mud and dust arising from the site.

(Reason: To minimise any nuisance to nearby residents by reason of dust).

14. No load of mineral shall leave the site unless sheeted down, otherwise contained or damped down with clean water to prevent the emission of dust.

(Reason: To minimise disturbance to residential properties).

15. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

(Reason: To prevent water pollution).

16. Upon completion of infilling operations a topographical survey shall be conducted and submitted to the County Planning Authority prior to the spreading of soils, detailing the filled levels.

(Reason: To provide for satisfactory restoration of the site).

17. A noise monitoring scheme shall be submitted to the County Planning Authority for approval within 1 month of the date of this permission, to include proposals for mitigation.

(Reason: To minimise any nuisance by reason of noise).

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18. Upon the receipt of complaints from the site by reason of noise, noise monitoring shall take place within 14 days of notice of the complaint in accordance with the scheme approved under condition 17. If mitigation measures are required these should be implemented within 21 days of the complaint.

(Reason: To minimise any nuisance by reason of noise).

19. No waste operations shall take place on site unless and until a scheme for the restoration of Whitsundoles Farm Quarry (in its entirety) has been submitted to and approved in writing by the County Planning Authority. Such a scheme shall include provision for:

- i. A plan showing areas of agriculture, planting, etc.
- ii. The species, size, number and location of all trees and shrubs to be planted and measures to be undertaken for their protection from weeds and vermin;
- iii. Seed mixture; fertilisers and weedkillers to be used and their rates of application;
- iv. A timetable for implementation;
- v. A five year aftercare plan;
- vi. Any other matters as relevant,

Upon approval such scheme shall be implemented in full.

(Reason: To provide satisfactory restoration of the site and safeguard forestry interests).

20. No waste operations shall take place on site unless and until a management plan for part of Salford Wood, identified on the plan submitted on 27th March 2007, has been submitted to and approved in writing by the County Planning Authority. Thereafter the management programme shall be implemented in full.

(Reason: To enhance the appearance and biodiversity of the area).

21. The site shall be restored to agriculture in accordance with final ground levels shown on drawing no. WF/CBP/2/4.

(Reason: To provide for the eventual restoration of the site.)

N.B. Where conditions include the phrase "Except as may be / unless otherwise agreed in writing by the County Planning Authority..", this is only to allow for exceptions to be approved for temporary periods for special circumstances or minor amendments to be made.

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Relevant development plan policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant guidance and development plan policies are Planning Policy Statement 10 (2005): *Planning for Sustainable Waste Management*, Minerals Policy Statement 2 (2005): *Controlling and Mitigating the Environmental Effects of Minerals Extraction in England*, and the Bedfordshire and Luton Minerals and Waste Local Plan (MWLP), adopted 2005.

Policy GE1 of the MWLP, *matters to be addressed in planning applications*, and policy M6, *requirements for determination of minerals applications*, set out information required for the planning authority to fully consider issues in order to safeguard the environment whilst making an appropriate level of contribution to local and regional need for minerals and waste facilities. The proposal is for the deepening of a sand and gravel quarry to allow the extraction of clay. As such the issues relating to the proposal will parallel those relating to the existing quarry. The applicant provided the required information in order to assess relevant development plan policies which are discussed below.

Policy GE18 of the MWLP states that planning permission will only be granted for proposals which are likely to generate disturbance from noise, vibration, dust and mud on the highway, where the impact of that disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Quarrying operations have been ongoing at Whitsundoles Farm since 1998. Several permissions to extract minerals from the site have been granted by the County Planning Authority. The nearest property to the site is Whitsundoles Farm. This is owned by the applicant and comprises several properties (two residential and several business units). To the north of the site is Broughton Grounds, a business use development with approximately 35 units. Adjacent to the eastern boundary of the quarry is Broughton House, a residential property. Since the site has been operational neither the County Planning Authority nor the District Council has received any complaints from local residents in terms of disturbance by reason of noise, dust, or vibration. Mid Beds District Council Environmental Health Officer does not object to the proposal, stating that conditions should be placed on any grant of planning permission requiring the operator to undertake noise and/or dust monitoring/ mitigation upon receipt of any complaints pertaining to such.

During past operations at the site there has been concerns regarding mud from the site travelling onto the highway. The operator has worked with the County Planning Authority on these occasions, hiring road sweepers and installing an appropriate wheelwash. Hulcote and Salford Parish Council raise concerns regarding the standard of Broughton Road. My Highways Officer comments that the access from the site to the public highway is constructed to a high standard. Heavy good vehicles are prevented from travelling east out of the site by a weight restriction in Salford. He adds that the route to the west of the site towards Milton Keynes is not of a very high standard but within Bedfordshire has no residential properties close enough to the route to be of concern. Taking into account the above it is not considered that the proposal is in conflict with policy GE18.

The application site lies within the Forest of Marston Vale strategy area. Policy GE2 of the MWLP states that proposals in the Marston Vale should contribute to the improvement of the environment of the Vale and demonstrate how they will assist in achieving the aims of the

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Forest Plan. The main aim of the Forest Plan is to achieve environmental, social and economic regeneration of the Vale, primarily through increasing tree cover to 30% by 2031.

The applicant has proposed to make contributions towards the aims of the Forest Plan by planting an additional 6.5 acres of woodland, over and above the areas planted in connection with previous operations at the quarry. The applicant will also undertake a management plan for part of Salford Wood, a County Wildlife Site, amounting to an area of approximately 10 acres. The Forest of Marston Vale does not object to the application and it is considered that the application provides adequate contribution to the improvement of the Vale in accordance with policy GE2.

Policy GE9 of the MWLP states that proposals likely to have an adverse impact on the landscape character of the area will only be granted where any impact is reduced as far as practicable and is outweighed by other planning benefits of the proposal. The planting and management plan proposed by the applicant will provide enhancement to the local environment by joining woodland to the north of the quarry to form a woodland belt. The management of Salford Wood will also increase the structure, quality and biodiversity within the County Wildlife Site. As such, the application is in accordance with policy GE9.

The proposed restoration is to infill the void with inert waste and restore the land back to agriculture. Policy GE26 and GE27 require proposals to include a high quality restoration and five year aftercare scheme. The details of the restoration of the quarry as a whole were agreed in connection with the 1998 planning permission and the applicant proposes to restore the site to these approved contours. Conditions relating to the submission of an aftercare scheme in connection with the quarry are attached to the current planning permission, number 11/2006. As part of this application it is proposed to plant woodland on 6 acres of land previously worked and filled within Phase 2 of the existing sand and gravel quarry. Conditions could be placed on any grant of planning permission requiring a five year aftercare scheme for the management of the newly planted woodland. It is not considered that the proposal is in conflict with policies GE26 and GE27.

Policy GE23 of the MWLP states that planning permission will only be granted for mineral development where the material is capable of being transported via the strategic highway network, and the suitability and capacity of access routes will be taken into account. The application proposes to utilise the extracted clay, and also import waste from within a 10 mile boundary of the site, outside of Bedfordshire. This is in accordance with the proximity principle. As stated in paragraph 6.4 my Highways Officer does not object to the application and considers the access to the site is of a high standard. It is not considered that the proposal is in conflict with policy GE23 of the MWLP

A public path temporary diversion was put in place by the landowner as a result of the 1998 planning permission for the extraction of sand and gravel at the site. The diversion route takes the bridleway round the western boundary of the quarry and will remain in place until June 2009. In accordance with Policy GE21 of the MWLP planning permission for development that would lead to disruption of the public rights of way network in either the short or long term will only be granted where suitable alternatives arrangements are made to maintain public access.

This application does not propose to extend the end date of operations at the quarry and therefore will not impact upon the date for re-routing the bridleway back to its original position. The County Access and Partnership Officer does not object to the proposal and alternative arrangements are already in place. Therefore, the proposal is in accordance with policy GE21.

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Minerals Policy Statement 2 (MPS2) states that applications which are in accordance with the relevant development plan should be allowed unless material considerations indicate otherwise. Policy M1 of the MWLP states that the County Planning Authority will not support proposals for new mineral extraction sites in this plan period (2000-2015), unless they confer an overall planning benefit.

The proposal highlights several projects which may require the supply of clay from the application site. The sites identified lie within Milton Keynes Unitary Authority. Milton Keynes Planning Officer has objected to the proposal on the ground that there is no need for the clay and therefore the operations should not be continued to the detriment of local residents. As mentioned previously in this report, no complaints regarding disturbance to local residents from the site have been received. The application accords with other policies within the development plan specifically relating to disturbance and no objections to the proposal were received from other statutory bodies. Also the application does not propose to extend the currently permitted end date. It is concluded that the proposal will not have significant adverse impacts on local residents that cannot be controlled by planning conditions.

Previous planning permissions have been granted for clay extraction at the site to supply Sundon and Elstow North Landfills with restoration material. Sundon Landfill has been supplied with sufficient material from the site. However, no material was taken to Elstow North Landfill due to a delay in the commencement of capping works at the site. These are likely to begin within the period that the site will be operating.

The site is currently an active quarry and has an appropriate set up for the further extraction of clay from the site. If the site was restored this clay would not be utilised. Taking into account the above, it is considered that the extraction of clay from the site is in accordance with policy M1 of the MWLP. The proposal does not conflict with policies within the development plan and as a result accords with MPS2.

Planning Policy Statement 10 (PPS10) states that waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a market need for their proposal. In the interim period before the development plan is updated, planning authorities should ensure proposals are consistent with the policies in PPS10. Policy W21 of the MWLP states that permission will not be granted for landfill of inert wastes except where proposals contribute to the restoration of old mineral workings or provide a demonstrated environmental benefit.

The applicant argues there is a need for the landfill to take construction waste from developments within Milton Keynes and in fact has been successfully importing waste to infill other areas of the quarry for some time. Milton Keynes Planning Officer objects to this, stating that there is unlikely to be a need for further landfill in Milton Keynes for some considerable time. However, the importation of inert fill will be required to fill the current void at Whitsundoles quarry as a result of sand and gravel extraction. It is my opinion that infilling operations at the site are taking place at an adequate rate allowing the operator to achieve the approved restoration levels within the permitted timescales. By importing an increased quantity of material the application makes provision to restore the site to approved levels. There is no conflict with the development plan in regards to the clay extraction and policies within PPS10 state that where there is no conflict with the development plan, need should not be a reason for refusal in determining applications for waste management sites. It is considered that the application to landfill will provide an environmental benefit by enabling an enhanced restoration of the quarry and as such is not in conflict with policy W21 or policies in PPS10.

Reasons for grant of permission

Quarry operations have been ongoing at the application site for a number of years. The proposal will not result in an extension to the end date of operations at the quarry and will benefit from utilising the existing infrastructure. The clay has potential to be used for schemes within the County. Where that may not be possible the site will accord with the proximity principle in terms of importing / exporting material to Milton Keynes due to the proximity of the site to the County boundary.

No objections to the application were received which refer to, or express concerns regarding, disturbance to local residents. No comments were received as a result of publicity of the application. The application does not conflict with policies in the relevant development plan documents.