

Regulatory Committee

Dorset County Council



Date of Meeting	09 June 2016
Officer	Head of Economy
Subject of Report	To consider planning application 6/2015/0198 for the modification of Conditions 1 and 5 of Planning Permission 6/1999/0804 to allow for continued winning and working of mineral and removal of the previously imposed limitation on winter HGV movements at Southard Quarry, Swanage.
Executive Summary	The proposal is for continued extraction of Purbeck stone from a small quarry to the south of Swanage to allow for the completion of previously approved mineral extraction, together with removal/modification of a previously imposed winter HGV traffic restriction.
Impact Assessment:	Equalities Impact Assessment: The report concerns the determination of an application for planning permission and not any changes to any new or existing policy with equality implications.
	Use of Evidence: The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget/Risk Assessment: No budget/risk assessment implications.
Recommendation	Grant planning permission subject to the conditions set out in paragraph 8.2 of the Report.

Reason for Recommendation	The reasons for granting planning permission are summarised in paragraphs 6.27 and 6.28.
Appendices	01. Location Plan. 02. Site Context Plan. 03. Extract from Road Safety Risk Assessment Report.
Background Papers	Planning Application File 6/2015/0198
Report Originator and Contact	Name: Mr Huw Williams Tel: (01305) 228264 Email: H.R.Williams@dorsetcc.gov.uk

1. Background

- 1.1 The application by W. J. Haysom and Son (hereafter referred to as 'the applicant') was received on 20 February 2015. The applicant is a family run business that quarries and processes Purbeck and Portland-Purbeck stone at various locations on the Isle of Purbeck.
- 1.2 Planning permission 6/85/323 for the use of land for quarrying at Southard was granted on 27 September 1985 and permission 6/1999/804 for the continued winning and working of minerals was granted on 25 April 2000. The current application is made under section 73 of the Town and Country Planning Act 1990 (i.e. determination of applications to develop land without compliance with conditions previously attached) to allow the continued winning and working of minerals and the removal/ modification of a previously imposed limitation on winter HGV movements.
- 1.3 Access to the quarry is off Panorama Road which also provides access to California Quarry and which previously also provided access to the former Swanage household recycling centre and tip (now closed).
- 1.4 Planning permission 6/2013/0571 granted in December 2013 provides for the drilling of an underground borehole for oil and gas exploration from California Quarry to an offshore hydrocarbon reservoir. A related permission (Ref: 6/2013/0456) provides for the construction of a wellsite, the undertaking of production tests and the retention of the site and wellhead valve assembly gear for evaluation within California Quarry. These applications, which were considered by the former Planning Committee in November 2013, generated a large number of representations. Access to the wellsite would also be via Panorama Road.
- 1.5 Further representations have been received in response to the current application which focus mainly on the traffic implications of the site access arrangement and particularly the multiple use of Panorama Road.
- 1.6 Panorama Road is not an adopted highway and for most of its length is not a registered public right of way. However, the road, which is in the ownership of Swanage Town Council, appears to be freely used by members of the

public both on foot and in vehicles. It links from the Class D Priests Road and Quarry Close to the former household recycling centre and tip – a distance of approximately 900 metres, initially providing access to a number of residential properties and the Swanage Bay View Holiday Park, then passing between the holiday park to the west and Hoburne Residential Park to the east and progressing southwards towards the former recycling centre, where there is now a small area used for parking and turning. Access to the quarries is via tracks from the southern section of the road close to the former recycling centre.

- 1.7 A plan illustrating the location of the site is produced at Appendix 01 of this report.

2. Site Description

- 2.1 Southard Quarry is situated on a low ridge in the open countryside approximately 0.8 km south of the Herston/Benlease area of Swanage and approximately 0.7 km north of the coast.
- 2.2 The quarry and its associated mining land are accommodated within a field of approximately 2.0 hectares, with the extraction area being in the south and land to the north used for overburden storage, stone stockpiling and hand processing.
- 2.3 Access to the quarry is gained via a track off the southernmost section of Panorama Road. A utilitarian stone dressing shed is situated adjacent to the quarry entrance. Public footpaths (SE3/56 and SE3/59) run north-south past either side of the quarry and form part of an extensive network of public rights of way that link between Swanage and the coast.
- 2.4 The quarry field is enclosed by a natural stone wall and hedgerow to the south, a hedge and fencing to the east, and scrub/hedging to the west, beyond which is the access track to California Quarry. Stone extraction has progressed west to east across the quarry, with part restoration having followed in the south-west. Vegetated bunds formed from excavated soils lie to the east and north-west. Relatively open views of the quarry are available from public rights of way on rising ground to the north, but the quarry is not prominent in the landscape from the south, east or west.
- 2.5 The nearest residential properties are at California Farm (approximately 300 metres to the north-west), Southard Farm (approximately 400 metres to the north) and Durlston Dairy (approximately 450 metres to the north-west).
- 2.6 The quarry lies wholly within the Dorset Area of Outstanding Natural Beauty (AONB) and the Purbeck Heritage Coast. The South Dorset Coast Site of Special Scientific Interest (SSSI) and St Albans Head to Durlston Head Special Area of Conservation (SAC) lie within 300 metres of the quarry and the coastal strip comprises part of the Jurassic Coast World Heritage Site (approximately 650 metres).
- 2.7 AONBs have the highest status of protection in relation to landscape with great weight to be given to conserving the landscape and scenic beauty. Heritage Coasts are areas of undeveloped coastline which are managed to

conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

- 2.8 Sites of Special Scientific Interest are designated by Natural England under the Wildlife and Countryside Act 1981. Development proposed on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.
- 2.9 Special Areas of Conservation are given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations. They comprise important high-quality sites that will make a significant contribution to conserving identified habitat types and species that are considered to be most in need of conservation at the European level.
- 2.10 World Heritage Sites are listed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) for their special cultural or physical significance. Inclusion indicates that UNESCO considers it to be in the interest of the international community to preserve the site.
- 2.11 No material impact on either the designated nature conservation sites or the World Heritage Site as a consequence of the proposed development is considered likely.
- 2.12 A plan illustrating the site context is produced at Appendix 2 of this report.

3. The Proposal

- 3.1 The application seeks permission for continued winning and working of mineral so as to allow for the extraction of un-dug stone within the original permission area. An end date for the extraction of stone of 31 December 2024 is proposed.
- 3.2 HGV traffic leaving the site has previously been limited to a maximum of five vehicles per full working day during May to September (inclusive) and one per full working day during October to April (inclusive). The applicant requests that the additional winter limitation be removed, so that a maximum of five HGVs can leave the site on any working day.

4. Consultations and Representations

- 4.1 The application was advertised on site and in the local press and consultation letters were sent to 28 properties.
- 4.2 **County Council Ward Member**
No response received.
- 4.3 **Purbeck District Council**
No objection subject to conditions.
- 4.4 **Swanage Town Council**
As owner of Panorama Road, has drawn attention to Road Safety Risk Assessment report prepared in response to safety issues arising from HGV

movements along Panorama Road. Ask that assessment recommendations be taken into account when evaluating the current application, drawing particular attention to comments that:

“If other large (particularly heavily laden) vehicles are going to have a problem negotiating the route up the gradient of Panorama Road in certain road and weather conditions then all haulage operations should be restricted to summer months when ice and rain is unlikely to be a problem for large HGVs negotiating the steep gradient of Panorama Road.”

and

“... if other large (particularly heavily laden) vehicles are going to have a problem negotiating the route up the gradient of Panorama Road in certain road and weather conditions then it should be rescheduled to a more appropriate time or arrive in smaller delivery vehicles that can negotiate the steep gradient of Panorama Road in all road and weather conditions without incident. Alternatively, all haulage operations should be restricted to summer months when ice and rain is unlikely to be a problem for large HGVs negotiating the steep gradient of Panorama Road.” (paragraph 9.12)

Suggest it may be that the introduction of risk management measures would be an appropriate condition to any grant of planning permission.

4.5 **DCC Highway Liaison Engineer**

No objection.

4.6 **DCC Rights of Way**

No response received.

4.7 **Environment Agency**

No objection.

4.8 **District Environmental Health Officer**

No response received.

4.9 **Natural England**

No comments to make.

4.10 **Dorset Wildlife Trust**

No objection, but highlight the close proximity of quarry working to Durlston SNCI and need for due care to be taken in any continued working of the quarry.

Also note that HGV access along Panorama Road abuts the Durlston SNCI and the DWT Townsend Reserve and that, again, care needs to be taken to ensure there are no detrimental impacts on these sites from increased traffic along this route.

Comment that presumed that restoration work at the quarry will recreate species rich limestone grassland in keeping with the high wildlife value of the local area.

- 4.11 **DCC Ecologist**
No ecological objection to the modifications.
- 4.12 **AONB Partnership**
No response received.
- 4.13 **DCC Senior Landscape Officer**
No response received.
- 4.14 **DCC Senior Archaeologist**
No response received.
- 4.15 **Other Representations**
14 other representations have been received.
- Panorama Road already serves a large caravan park along with 20 to 30 journeys of heavy duty lorries and tractors pulling stone from California Quarry. Permission has also been granted for the temporary wellhead at California Quarry.
 - Panorama Road already has enough heavy duty noisy and oversized vehicles using it every day without DCC giving further permission to remove the limitation on winter HGV movements.
 - In light of recent safety audit report on Panorama Road which specifies that HGV use of this road is not safe and that winter use is a specific risk it is inappropriate to lift the HGV restrictions that are in place. Also concerned that other quarries do not have similar restrictions.
 - All HGV movements should be stopped until a safe system is in place. If this is not done immediately then the Swanage Council and Purbeck District Council could be sued if an accident were to happen as the result of HGV, or indeed other, traffic on this road.
 - Road has supposed 20 mph speed limit, but 90 % of traffic, including the heavy lorries, trundle past our property far in excess of that, some probably doing 50 mph plus.
 - HGV vehicles are unsuitable for the very steep roads through highly populated streets with young families.
 - The route taken by HGVs to and from Southard Quarry is too dangerous to be allowed in winter. Pedestrians in particular would be gravely at risk.
 - Clear that when planning approval was granted to Southard Quarry the traffic conditions were put in place due to the inappropriateness of the access via the mile long road owned mostly by Swanage Town Council. The road has not improved and so there is no justification for softening these conditions.
 - New gas and oil exploration site is considered not to have been properly risk assessed.
 - Road represents a significant health and safety risk and it is unclear if Swanage Town Councils Insurers have been made aware of the risk themselves and whether they would cover accidents or deaths on the road now that this document has been generated finding fault.
 - In light of the risk assessment it would be wiser to restrict the traffic movements for California Quarry and the gas and oil exploration in line with those currently in place for Southard Quarry.
 - Problems for access include, but are not limited to:
 - Restricted view at junction with Priests way.

- Restricted visibility at junction with holiday park.
- Width at lower end of Panorama Road unable to accommodate two HGVs passing each other.
- Width at higher end of Panorama Road narrows further to 3.7 meters making passing of all vehicles impossible without reversing and being on a steep incline could lead to loss of control for HGVs travelling downhill especially in inclement or frosty weather.
- No footpath along upper end of Panorama Road which is utilised by children and parents and there is no place for them to get out of the way of HGVs.
- Vehicle restraint system in place to protect Plantation Close from out of control HGVs is inadequate and even vans are likely to somersault over.
- The condition of the road surface is unsuitable with the likelihood of an unsuitable Polished Stone Value.
- There are insufficient passing places on the road to accommodate additional traffic.
- Increase in traffic conflicts with the nine pedestrian accesses and rights of way onto the upper end of Panorama Road.
- Incline is 10% or greater making use by HGVs difficult.
- Loss of integrity at Priests Way Panorama Road junction has been caused by HGVs turning and represents a hazard to two wheel vehicles. Further HGV movements will increase the rate of degradation.
- Agricultural vehicles utilise the road and conflict with HGV increasing likelihood of reversing.
- A wall running along the length of the upper portion of Panorama Road means there is no safe run off for any runaway vehicle on the steep road.
- There is a conflict of use between vehicles, HGVs, farm vehicles, cyclists, pedestrians and children going to and from school and the swimming baths.
- In short it is an accident waiting to happen and allowing increased use is utterly inappropriate and must be prevented.

5. Planning Policy Framework

- 5.1 Applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the *Bournemouth, Dorset and Poole Minerals Strategy* adopted in May 2014, the saved policies of the *Dorset Minerals & Waste Local Plan* originally adopted in April 1999, and the Purbeck Local Plan Part 1: Planning Purbeck's Future adopted by Purbeck District Council in November 2012. The term '*material considerations*' is wide ranging, but includes national, emerging and supplementary planning policy documents. Material to all applications is the *National Planning Policy Framework* issued in March 2012 (the NPPF) which sets out the Government's planning policies for England and how these are expected. Also material is the Governments online Planning Practice Guidance (PPG). The most relevant policies and provisions are listed below.

5.2 The Development Plan

Bournemouth, Dorset and Poole Minerals Strategy, May 2014 (the Minerals Strategy)

- Policy SS1 – Presumption in Favour of Sustainable Development.
- Policy SS2 – Identification of Sites in the Mineral Sites Plan.
- Policy PK1 – Provision of Purbeck Stone.
- Policy PK2 – Considerations for Purbeck Stone Quarries.
- Policy PK4 – Crushing of Purbeck Stone at Dimension Stone Quarries.
- Policy RS1 – Restoration, Aftercare and Afteruse of Minerals Development.
- Policy RS2 – Retention of Plant, Machinery and other Ancillary Development.
- Policy DM1 – Key Criteria for Sustainable Minerals Development.
- Policy DM2 – Managing Impacts on Amenity.
- Policy DM3 – Managing the Impact on Surface Water and Ground Water Resources.
- Policy DM4 – Protection and Enhancement of Landscape Character and the Countryside.
- Policy DM5 – Biodiversity and geological interest.
- Policy DM6 – Dorset and East Devon Coast World Heritage Site.
- Policy DM8 – Transport and Minerals Development.

Dorset Minerals & Waste Local Plan, April 1999 (the DM&WLP)

- Saved Policy 6: Relating to Applications Outside the Preferred Areas.

Purbeck Local Plan Part 1: Planning Purbeck's Future, November 2012 (the Purbeck Local Plan)

- Policy SD: Presumption in Favour of Sustainable Development.
- Policy CO: Countryside.
- Policy BIO: Biodiversity & Geodiversity.
- Policy GP: Groundwater Protection.
- Policy LHH: Landscape, Historic Environment and Heritage.

5.3 Other Material Considerations

National Planning Policy Framework, March 2012 (the NPPF)

- Achieving sustainable development – paragraphs 6-10 and 14.
- Conserving and Enhancing the natural environment – paragraphs 109, 115, 116, 118 and 123.
- Facilitating the sustainable use of minerals paragraph 144.
- Decision-taking - paragraph 186, 187 and 206.

Technical Guidance to the National Planning Policy Framework, March 2012

- Minerals policy – paragraph 20-51.

6. **Planning Assessment**

- 6.1 Having regard to the provisions of the development plan, the information submitted in support of the application and the representations received, the main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development; and
- (ii) the impact of the development on the environment and on amenity, including its impact on scenic beauty, landscape character and visual amenity and traffic related impacts.

Principle of Development

- 6.2 Section 73(2) of the Town and Country Planning Act 1990 provides that on applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. However, as the current application seeks permission for the continuation of mineral working beyond the previously imposed deadline for the cessation of mineral extraction, the acceptability in principle of continued extraction should also be considered.
- 6.3 Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development which is endorsed by Policy SS1 of the Minerals Strategy and Policy SD of the Purbeck Local Plan.
- 6.4 Paragraph 8 of the NPPF provides that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 19 of the NPPF confirms that the Government is committed to ensuring that the planning system does all it can to support sustainable economic growth and that planning should operate to encourage sustainable growth. Significant weight should therefore be placed on the need to support economic growth through the planning system. However, paragraph 116 of the NPPF (Conserving and enhancing the natural environment) provides that planning permission should be refused for major development in AONB's other than in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
 - (i) the need for the development, including impact on the economy;
 - (ii) the cost of and scope for developing elsewhere outside the designated area, or meeting the need in some other way; and
 - (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which these could be moderated.
- 6.5 Major development is identified to include the winning and working of minerals.
- 6.6 With regard to facilitating the sustainable use of minerals, paragraph 144 of the NPPF provides that, when determining planning applications, local planning authorities should, amongst other matters:
 - give great weight to the benefits of mineral extraction (including to the economy);
 - ensure that there are no unacceptable adverse impacts on the natural and historic environment or human health, and take into account the

cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

- ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

- 6.7 The Minerals Strategy recognises that the quarrying of Purbeck Stone is a long established industry which for centuries has been providing dimension stone for local building and for use in some major cities. It is further noted that it continues to be in demand for a range of uses, notably the repair and restoration of historic buildings, for architectural masonry and for monumental and ornamental work, and that over 100 people are employed in the industry, demonstrating its economic value to the area.
- 6.8 The Purbeck Stone resource is generally confined to an area of approximately 10 km² within the coastal zone south of Swanage and west to St Aldhelm's Head. The resource lies wholly within the Dorset AONB and consequently there is no scope for accommodating the proposed development outside the designated area.
- 6.9 Policy PK1 of the Minerals Strategy provides that the mineral planning authority will maintain an adequate and steady supply of the full range of Purbeck Stone beds for building and roofing purposes during the plan period and that provision will be made for an average of at least 20,000 tonnes per annum of saleable Purbeck Stone, excluding Purbeck Mable and Burr.
- 6.10 The Minerals Local Plan identified '*Preferred Areas*' within the AONB wherein applications for new or extended Purbeck Stone quarries would be permitted (former Policies 5 and 30) and established a presumption against extraction of block stone outside these Preferred Areas (former Policy 31). The application site does not lie within one of the Preferred Areas identified for Purbeck Stone extraction, but saved Policy 6 details criteria to be applied to any applications for mineral facilities outside the Preferred Areas and it has previously been held (April 2000) that the relevant criteria have been satisfied. Very much the same circumstances continue to apply.
- 6.11 The Minerals Strategy does not identify Preferred Areas for Purbeck Stone extraction, but instead defines a broad area of search wherein Policy PK2 provides planning permission may be granted if they are needed to meet a shortfall in supply that cannot be met through existing permitted or allocated sites. Site allocations have since been proposed, but not yet adopted. However, the application site is within the defined area of search, operation of the site has previously permitted and adjacent land has been identified to contribute to the adequate and steady supply of Purbeck Stone (Site Ref: PK-10).

- 6.12 The winning and working of Purbeck stone from Southard Quarry has formed an important part of the applicant's business operation which involves the extraction of a range Purbeck Stones from a number of quarries to meet market demands. Extraction rates at Southard have generally been relatively modest (averaging approximately 500 tonnes per annum), with output regulated by both the preclusion of non-traditional use of the stone and the level of market demand for what is a valuable mineral resource. The proposed further extension of time allows for completion of the previously permitted extraction in line with anticipated requirements.
- 6.13 In all these circumstances, it is considered that the continued operation of Southard Quarry would be consistent development plan policy for Purbeck Stone and, subject to the consideration of the detailed environmental implications of the proposal, that the application therefore provides for a sustainable form of development that is acceptable in principle.

Impact of Development

- 6.14 Policy PK2 (Considerations for Purbeck Stone Quarries) of the Minerals Strategy provides that proposals must meet all of the following criteria:
- a. their scale, extent and location are such that adverse impacts upon the environment and amenity can be avoided, minimised or adequately mitigated to the satisfaction of the Mineral Planning Authority;*
 - b. they are accompanied by details of anticipated overburden and evidence of how this will be accommodated within the landform so as not to have a significant impact on the landscape character and quality of the Dorset AONB;*
 - c. there will not be an unacceptable cumulative impact on the landscape character or amenity having regard to activities within the proposed site and other sites within the area;*
 - d. existing characteristic landscape features, such as stone walls, are retained in situ unless the stone is incapable of being viably worked without disturbance to such features. Where disturbance is unavoidable proposals must include measures to minimise disturbance and/or mitigate the impact to an acceptable degree;*
 - e. there would not be unacceptable impacts on the highway network or amenity arising from transporting stone from the quarry to the service area; and*
 - f. in the case of applications for non-allocated sites, they would not prevent or constrain the delivery of an existing permitted or allocated site, having regard to the potential for cumulative impacts to occur."*
- 6.15 Similarly, Policy DM2 (Managing Impacts on Amenity) of the Minerals Strategy provides that proposals for mineral development will only be permitted where the proposals demonstrate that, for the life-cycle of the

proposed development, any potential adverse impacts associated with noise, dust, air emissions, lighting, visual and landscape impacts, vibration levels, site related traffic impacts and stability of land are avoided and/or adequately mitigated to an acceptable level.

- 6.16 Purbeck Stone working is recognised as a key part of the cultural and historic evolution of the Purbeck plateau landscape and consequently is an established feature of the local landscape character. Southard is a relatively small quarry and its operation, whilst in close proximity to a number of other quarries, has only a modest impact on the character of the landscape and visual amenity. Site boundaries have been adequately maintained helping to screen operations. Arrangements for the progressive restoration of the site to acid grassland and its aftercare have previously been approved and remain satisfactory and in line with policy requirements. Neither the AONB Team nor the Council's Senior Landscape Officer object to the proposal and previous working has not given rise to significant environmental problems, with extraction being above the water table and potential hazards being mitigated by working practices and planning conditions.
- 6.17 Other than the duration of the extraction period and a minor alteration to the limitation on winter traffic movements, no change is proposed to the approved mineral working arrangements. Past operation of the quarry has not given rise to particular problems in relation to noise, dust and other emissions and, subject to the appropriate operation of the quarry, future problems are not expected.
- 6.18 With regard traffic impacts, Minerals Strategy Policy PK2(e) requires that proposals for Purbeck Stone must not have an unacceptable impact on the highway network or amenity arising from transporting stone. Minerals Strategy Policy DM8 similarly requires that minerals development is served by a safe access and that there will be no adverse impacts on the road network.
- 6.19 Following the grant of planning permission for the temporary wellsite at California Quarry, Swanage Town Council commissioned the preparation of a Road Safety Risk Assessment report for Panorama Road. Swanage Town Council has requested that the assessment recommendations be taken into account when evaluating the current application and a number of other representations have referred to the assessment. The assessment recommendations are produced at Appendix 03 of this report.
- 6.20 The focus of the assessment is on the potential increase in HGV traffic arising from the permitted oil and gas developments at California Quarry, but it has been noted in representations that many of the points raised also relate to the use of the road for stone haulage.
- 6.21 It should be noted that the County Council as highway authority is under no obligation to carry out repairs, maintenance or street cleansing on private streets, even if the public has a right of access. The physical condition of Panorama Road is therefore primarily a matter for Swanage Town Council as owner. However, the adequacy of proposed access arrangements is a material planning consideration.
- 6.22 Neither the Council's Highway Liaison Engineering nor the Rights of Way Team have raised any objection to the proposal to continue the operation of

Southard Quarry. Use of Panorama Road by quarry traffic is long standing, but it is clear that the route from Southard Quarry both to and through the edge of Swanage to the A351 is not ideal for quarry traffic. However, there is little in the way of a practicable alternative to this route and previous mineral permissions have specifically required use of Panorama Road in preference to potential alternative arrangements.

- 6.23 Even at its maximum proposed traffic generation (i.e. 5 vehicles or 10 movements a day), the number of HGV movements associated with Southard Quarry is very low and the actual number of movements has generally been much lower and sporadic in nature, typically being associated with specific and occasional extraction campaigns. Movements have also tended to involve tractors and trailers rather lorries, with lorries being a particular concern for a number of local residents.
- 6.24 HGV traffic leaving the California Quarry service area is required to use the route via Panorama Road and is subject to a restriction that an average of not more than 6 laden vehicles may leave the site per full working day over any week. Construction, operation and decommissioning of the temporary wellsite at California Quarry would generate some additional traffic movements along Panorama Road, but the transport assessment submitted in support of that development made clear that movements would be concentrated during two specific weeks when the drill rig and associated equipment would be brought to California Quarry and when the rig etc are removed. During these periods, traffic management measures including the deployment of 'banks men' would be implemented along the route at locations within Swanage and elsewhere. Some vehicles would also have escorts and some of the movements would come under additional abnormal loads procedures that are controlled by the police. There would also be liaison between vehicles, escorts and banks men using mobile phones and radios so that movements would be co-ordinated through any difficult points along the route. At other times, operation of the wellsite would have only a minor impact on existing traffic conditions.
- 6.25 A previous temporary wellsite was operated successfully from Southard Quarry (Planning Permission 6/88/1269) and HGV movements along Panorama Road have reduced substantially since the closure of the former recycling centre and tip.
- 6.26 In all these circumstances, notwithstanding the contents of the Road Safety Risk Assessment report for Panorama Road and other representations received, I am satisfied that the access arrangements (including the proposed restriction on HGV movements) are adequate and that, subject to the imposition of updated conditions, the scale, extent and programming of the proposed extraction and site restoration are acceptable.

Conclusion

- 6.27 The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this, economic, social and environmental gains should be sought jointly and simultaneously (paragraphs 6 and 8). Planning authorities are advised to approach decision taking in a positive way to foster the delivery of sustainable development (paragraph 186), looking for solutions rather than problems and

to approve applications for sustainable development where possible (paragraph 187). Development proposals that accord with the development plan should be approved with out delay (paragraph 14).

- 6.28 For the reasons set out above, the proposed development is considered to be in general accordance with the development plan. There are no material considerations indicating that the application should be determined other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

7. Human Rights Implications

- 7.1 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

- (i) Article 8 - Right to respect for private and family life; and
- (ii) The First Protocol, Article 1 - Protection of Property.

- 7.2 Having considered the impact of the development, as set out in the assessment above as well as the rights of the applicant and the general interest, the opinion is that any effect on human rights does not outweigh the granting of the permission in accordance with adopted and prescribed planning principles.

8. Recommendation

- 8.1 Grant planning permission subject to the conditions set out in paragraph 8.2 below.

8.2 SCHEDULE OF CONDITIONS

Time Limit – Commencement of Development

1. The development hereby permitted shall be begun not later than the expiration of 3 years beginning from the date of this permission.

Reason

In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

Duration of Development

2. The development subject of this permission shall cease by 31 December 2026 by which date all plant, buildings and stockpiled stone shall have been removed from the site and the site shall have been restored in accordance with the details approved by the mineral planning authority on 22 March 2001 and 05 August 2014 pursuant to conditions 25 and 28 of planning permission 6/99/804. Extraction of mineral shall cease by 31 December 2024.

Reason

To limit the duration of disturbance from the development and to secure restoration of the site having regard to Policies SS1, PK2,

RS1, RS2 and DM1 of the Bournemouth, Dorset and Poole Minerals Strategy and saved Policy 6 of the Dorset Minerals & Waste Local Plan.

Compliance with Approved Documents

3. Unless otherwise required by the conditions of this permission or agreed in writing by the mineral planning authority, the working and restoration of the site shall be carried out in accordance with the plans, drawings and documents previously approved by or pursuant to planning permission 6/1999/804 including:
- (i) Drawing No. SD1 titled Location Plan;
 - (ii) Drawing No. SD2 titled Site Plan;
 - (iii) Drawing No. SD3 titled Working Scheme;
 - (iv) Plan DCC/SD4 dated 17/3/2000 and titled Variation of Planning Conditions etc;
 - (v) the site restoration arrangements detailed in the letter from Sue Haysom dated 15 March 2001 as approved by the mineral planning authority pursuant to Condition 25 of planning permission 6/1999/804 by letter dated 22 March 2001; and
 - (v). the Southard Quarry Restoration Scheme submitted by email dated 23 July 2014 and approved by the mineral planning authority pursuant to Condition 28 of planning permission 6/1999/804 by letter dated 05 August 2014.

Reason

To enable the mineral planning authority to adequately control the development having regard to its location within the Dorset Area of Outstanding Natural Beauty and to Policies SS1, PK1, PK2, PK3, PK4, PK5, RS1, RS2, DM1, DM2, DM3, DM4, DM5, DM6, DM7 and DM8 of the Bournemouth, Dorset and Poole Minerals Strategy and saved Policy 6 of the Dorset Minerals & Waste Local Plan.

Hours of Operation

4. Other than for essential maintenance and in emergencies to maintain safe quarry working (which shall be notified to the mineral planning authority as soon as practicable) no winning or working of minerals (including stone extraction) nor movement or loading of minerals shall take place outside the hours of 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays. No working shall take place on Sundays, Public Holidays or Bank Holidays.

Reason

To safeguard the amenities of the locality and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2, and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Limit of Extraction

5. No extraction of stone or other minerals shall take place outside the area shown on Drawing SD3 as 'AREA TO BE EXTRACTED' and diagonally hatched.

Reason

To accord with the terms of the application and to limit the extent of the development and resultant disturbance within the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM4 and DM7 of the Bournemouth, Dorset and Poole Minerals Strategy.

Depth of Working

6. No extraction operations shall take place below 78 metres Above Ordnance Datum or deeper than 12 metres below the surface of the nearest undisturbed ground, whichever is the higher, and no extraction shall take place beneath the level of the natural water table.

Reason

To limit the depth of working and safeguard water interests having regard to Policies PK2, DM1, DM2, DM3 and DM4 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Traditional Uses & Crushing of Stone

7. Unless otherwise agreed in writing by the mineral planning authority, no crushing of stone shall take place within the site. Stone extracted from the site shall not be sold or used as aggregate or fill except for use by the operator for the maintenance of the quarry and quarry access tracks. Any crushing of stone shall be limited to that previously approved by the mineral planning authority and shall be limited to waste stone extracted from the site.

Reason

To secure the availability of suitable material for the restoration of the site having regard to Policies PK2, PK4, RS1, DM1 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Blasting Restriction

8. No blasting shall be carried out on the site.

Reason

To safeguard the amenities of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Stockpiling of Stone

9. Unless otherwise agreed in writing by the mineral planning authority no stone shall be stockpiled on the site other than in the Stone Stockpiling Area shown on approved Plan DCC/SD4.

Reason

To safeguard the amenities of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2 and DM4 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Height of Stockpiles

10. Unless otherwise agreed in writing by the mineral planning authority, no stockpiles shall exceed 3 metres in height.

Reason

To safeguard the amenities of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2 and DM4 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Soil Stripping and Handling

11. Topsoil and subsoil shall only be stripped or handled when in a dry and friable condition. Topsoil and subsoil shall be separately stripped to their full depths and, wherever reasonably practicable, both topsoil and subsoil shall be directly placed as part of the phased restoration of the site. Where this is not reasonably practicable, they shall be stored separately in stockpiles or bunds in locations approved by the mineral planning authority. Unless otherwise agreed in writing by the mineral planning authority, no topsoil or sub-soil shall be removed from or imported the site.

Reason

To prevent loss of soil and to ensure direct replacement of soil wherever reasonably practicable having regard to Policies RS1 and DM1 of the Bournemouth, Dorset and Poole Minerals Strategy.

Placement of Waste Material

12. Unless otherwise agreed in writing by the mineral planning authority, no further waste materials shall be deposited outside previously worked parts of the 'AREA TO BE EXTRACTED' shown on approved Drawing No: SD3 and all overburden, inter-burden and waste extracted shall be deposited in the worked out part of the extraction area.

Reason

To ensure that the site is restored in an orderly and progressive manner, and to aid the restoration of the site to beneficial use having regard to Policies PK2, DM1, DM2 and DM4 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Export of Waste Material

13. Unless otherwise agreed in writing by the mineral planning authority, no waste stone, overburden or inter-burden originating from quarrying within the site shall be exported from the site.

Reason

To secure the availability of suitable material for the restoration of the site having regard to Policies PK2, PK4, RS1, DM1 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Site Maintenance

14. All disturbed areas of the site and all topsoil, soil making material and overburden mounds shall be kept free from pernicious weeds such as thistle, dock, Japanese knotweed and ragwort.

Reason

To prevent the build up of harmful weed seeds in soils that are being or will be used for restoration of the site having regard to Policies RS1 and DM1 of the Bournemouth, Dorset and Poole Minerals Strategy.

Means of Access

15. Unless otherwise agreed in writing by the mineral planning authority, no vehicle visiting the site in connection with the development hereby permitted shall enter or leave the site other than by the access route from Panorama Road as shown in red on Drawing Nos. SD1 and SD2.

Reason

To accord with the terms of the application and safeguard the amenities of the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM4 and DM8 of the Bournemouth, Dorset and Poole Minerals Strategy.

Traffic Generation

16. Unless otherwise agreed in writing by the mineral planning authority, the number of heavy good vehicles (HGVs) leaving the site shall be limited to a maximum of five per full working day. A HGV shall be taken to be any vehicle weighing more than 3.5 tonnes.

Reason

To safeguard the amenities of the local area and nearby residential properties, the character and safety of affected public rights of way and the character of the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2, DM4 and DM8 of the Bournemouth, Dorset and Poole Minerals Strategy.

Traffic Records

17. From the commencement of the development hereby permitted, the site operator shall maintain records of all heavy goods vehicles entering and leaving the site, all such records to be retained for a period of at least two years. On receipt of reasonable notice, the site operator shall make the records available to the mineral planning authority.

Reason

To enable the mineral planning authority to monitor traffic activity associated with the site having regard to Policies PK2, DM1, DM2, DM4 and DM8 of the Bournemouth, Dorset and Poole Minerals Strategy.

Vehicle Cleaning

18. No commercial vehicles leaving the site shall enter the public highway unless their wheels and chassis are sufficiently clean to prevent material being deposited on the highway.

Reason

In the interests of highway safety and to prevent mud and dust getting on the highway having regard to Policies DM2 and DM8 of the Bournemouth, Dorset and Poole Minerals Strategy.

Protection of Existing Boundaries

19. No operations shall take place and no materials shall be deposited on the site within one metre of the edge of any wall or hedge on the boundaries of the site.

Reason

In the interest of amenity and nature conservation having regard to Policies PK2, DM1, DM2, DM4 and DM5 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Restriction of Permitted Development Rights

20. Notwithstanding the provisions of part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without the prior written approval of the mineral planning authority.

Reason

To safeguard the visual amenity of the local area and of the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1, DM2 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Control of Visual Impact

21. Unless otherwise agreed in writing by the mineral planning authority, no plant, equipment or materials other than that required for the permitted working of the site shall be stored or kept at the site. No plant, equipment or other materials shall be stored or parked on storage mounds or bunds above surrounding ground level within the site.

Reason

To safeguard the visual amenities of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Lighting

22. No external illumination shall be used on the site unless previously approved in writing by the mineral planning authority.

Reason

To safeguard the visual amenities of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1 and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy.

Noise Limits

23. Noise emanating from mineral extraction, processing and transportation or any similar activity within the site measured at The Cottage, California Farm, Priest's Way shall not exceed:

- (a) 46dB LAeq 1 hour (freefield) between the hours of 7.00am to 6.00pm on Mondays to Fridays and 7.00am to 1.00pm on Saturdays, with the exception of essential temporary operations to construct or remove bunds and strip or spread soil, and
- (b) 42 dB LAeq 1 hour (freefield) at all other times.

Noise levels during temporary operations involving the addition or removal of material from environmental bunds and soil storage areas shall not exceed 70 dB (LAeq, 1 hour) freefield at any noise sensitive property. The higher noise level for temporary operations shall be limited to a maximum period of eight weeks in any calendar year.

In the event of any exceedence of noise limits being identified by either the operator or the mineral planning authority, the use of any offending plant shall be suspended until the precise cause of the problem has been established and appropriate mitigation measures first submitted to and approved by the mineral planning authority in writing have been implemented.

Reason

To limit disturbance from site operations and for the avoidance of nuisance to the local community, AONB and local footpaths having regard to Policies PK2, DM1 and DM2 of the Bournemouth, Dorset and Poole Minerals Strategy and Policy 6 of the Dorset Minerals & Waste Local Plan.

Noise Control

- 24. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers to prevent unnecessary noise. All equipment when not in use shall be switched off.

Reason

To limit disturbance from operations having regard to Policies PK2, DM1 and DM2 of the Bournemouth, Dorset and Poole Minerals Strategy.

Noise Monitoring

- 25. Within 28 days of a reasoned written request to the operator from the minerals planning authority following a justifiable noise complaint, noise monitoring shall be undertaken in accordance with details submitted to and agreed by the authority and the results shall be reported to the authority.

Reason

To enable compliance with the established noise limits to be monitored having regard to Policies PK2, DM1 and DM2 of the Bournemouth, Dorset and Poole Minerals Strategy.

Dust

26. Best practicable means shall be employed to prevent the raising of dust as a result of mineral operations. As a minimum, haul roads, hard surfaced areas and stockpiles shall be sprayed with water as may be necessary to prevent the raising of fugitive dust.

Reason

To protect the amenities of locality having regard to Policies PK2, DM1, DM2 and DM4 of the adopted Bournemouth, Dorset and Poole Minerals Strategy.

Water Protection and Pollution Prevention

27. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface within bund walls. The bunded areas shall be capable of containing 110% of the containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. No water contaminated by oil, grease or other pollutants shall be discharged into any ditch or watercourse or allowed to flood adjacent land.

Reason

To reduce the risk of pollution of the water environment having regard to Policies DM1 and DM3 of the Bournemouth, Dorset and Poole Minerals Strategy.

Phased Restoration

28. Restoration shall be undertaken in accordance with the details approved by the mineral planning authority on 22 March 2001 and 05 August 2014 pursuant to conditions 25 and 28 of planning permission 6/99/804.

Reason

To secure the satisfactory restoration of the site and protect the visual amenity of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, RS1, RS2, DM1, DM4, DM5 and DM7 of the Bournemouth, Dorset and Poole Minerals Strategy and saved Policy 6 of the Dorset Minerals & Waste Local Plan.

Aftercare

29. Site aftercare for a period of not less than five years shall be undertaken in accordance with the details approved by the mineral planning authority pursuant to condition 28 of planning permission 6/99/804 on 05 August 2014.

Reason

To secure the beneficial afteruse of the site land and the viability of newly created habitats having regard to Policies PK2, DM1 and RS1 of the Bournemouth, Dorset and Poole Minerals Strategy.

Cessation of Works and Restoration of the Site

30. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the development and which in the opinion of the mineral panning authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town

and Country Planning Act 1990, a revised restoration scheme, to include details of reclamation and aftercare, shall be submitted to and approved in writing by the mineral panning authority within 24 months of the cessation of the winning and working of minerals. The scheme, which shall include the removal all buildings, structures, plant, equipment, areas of hard-standing and access roads and a timetable for the restoration of the site, shall thereafter be implemented in accordance with the approved scheme and timetable.

Reason

To secure the satisfactory restoration of the site and protect the visual amenity of the local area and the Dorset Area of Outstanding Natural Beauty having regard to Policies PK2, DM1 and RS1 of the Bournemouth, Dorset and Poole Minerals Strategy.

8.3 INFORMATIVES

Pollution Prevention

1. Safeguards should be implemented to minimise the risks of pollution from the development. Such safeguards should cover:
 - (i) The use of plant and machinery;
 - (ii) Oils/chemicals and materials;
 - (iii) The use and routing of heavy plant and vehicles, including sediment runoff;
 - (iv) The location and form of work and storage areas and compounds; and
 - (v) The control and removal of spoil and wastes.

The applicant should refer to the Environment Agency Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

Mining Waste – Environmental Permit

2. Activity on this site may be managed under a Mining Waste Environmental Permit. The details of this Environmental Permit will have to be approved by the Environment Agency before work commences. Please contact the Environment Agency to discuss this on 01258 483307.

Statement of Positive Involvement

3. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:
 - (i) providing a pre-application advice service;
 - (ii) updating the applicant's agent of issues as they arose in the processing of the application;
 - (iii) Discussing possible solutions to material concerns raised; and

- (iv) providing the applicant with the opportunity to address issues of concern with a view to facilitating a recommendation to grant permission.

Further Information

- 4. Further details including application documents and the Planning Officers report can be viewed by entering the application reference number given above in to the relevant search field at the following url:
<http://countyplanning.dorsetforyou.com/ePlanningOPS/searchPageLoad.do>

Matthew Piles
Head of Economy
10 May 2016