

# Regulatory Committee

**Dorset County Council**



Date of Meeting	6 December 2018
Officer	Head of Economy
Subject of Report	<b>To consider planning application 6/2018/0138 for the western extension to develop land for the winning and working of ball clay and ancillary operations.</b>
Executive Summary	This application seeks permission for the extraction of 1.2 million tonnes of Ball Clay over a period of 15 years with the phased restoration of the site to wet heath, woodland and arable fields. The report recommends approval of the application subject to planning conditions.
Impact Assessment:	Equalities Impact Assessment: This 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, government policy, legislation and guidance, representations and all other material planning considerations as detailed in the main body of the report.
	Budget: Generally the determination of applications will not give rise to any budget implications for the Committee.
	Risk Assessment: As the subject matter of this report is the determination of a planning application the County Council's approved Risk Assessment methodology has not been applied.
	Other Implications: None

Recommendation	That planning permission be granted subject to the conditions set out in paragraph 9.1 of this report.
Reason for Recommendation	As set out in paragraphs 6.67-6.73 of this report.
Appendices	<ol style="list-style-type: none"> <li>1. Location Plan</li> <li>2. Site Plan</li> <li>3. Site Phasing Plan</li> <li>4. Restoration Plan</li> <li>5. Full response from Historic England</li> </ol>
Background Papers	Planning application file reference – 6/2018/0138
Report Originator and Contact	Name: Rob Jefferies Tel: 01305 224279 Email: r.w.jefferies@dorsetcc.gov.uk

## **1. Background**

- 1.1 Trigon Pit has a site area of approximately 60 hectares and is situated to the west of the C7 Bere Road, approximately 600 metres west and to the rear of the Silent Woman Public House. Vehicular access to Trigon Pit is off the Bere Road, approximately 70 metres to the north of the entrance to the Birchwood Tourist Caravan Park.
- 1.2 Trigon Pit comprises a Ball Clay quarry (operated by Imerys) and a landfill (operated by Viridor). In addition, the owner of the site (Trigon Estate) had a temporary planning permission for the processing and removal of sand and gravel reserves that were recovered as part of the Ball Clay extraction operations in the south of Trigon Pit. This use has now ceased.
- 1.3 Landfill operations have also ceased and the landfill site has been mothballed by the site operator. There are currently no indications as to when, or if, the site will reopen.
- 1.4 Trigon Pit has a long and protracted planning history. However that most relevant to this current proposal is planning permission 6/2010/0441 to revise restoration contours following the extraction of sand and gravel recovered as part of the winning and working of ball clay. This was a variation of planning permission 6/2005/0863; the original consent for the removal of ball clay from within the northern area of the pit.

## **2. Site Description**

- 2.1 The application site extends to 40 ha and comprises a parcel of land which includes the existing ball clay extraction area and landfill interburden waste tip within the north of the wider Trigon site. The site also extends 300 metres further to the west of the existing quarry area incorporating a mixture of agricultural and forestry land.
- 2.2 A solar farm is located approximately 380 metres to the west of the site.
- 2.3 A public bridleway is located approximately 200 metres to the east of the application site, linking Carey Road to the south with Bere Road to the north. Another bridleway runs broadly east west approximately 600 metres to the north of the applications site.
- 2.4 The closest residential properties to proposed extraction area are North Trigon Lodge and The Cottage located approximately 200 metres to the north of the application site and those of Ash Oaks Caravan Park located approximately 240 metres to the east.
- 2.5 Trigon Heaths Site of Nature Conservation Interest (SNCI) abuts part of the north eastern and southern boundary of wider Trigon site with Morden Bog and Hyde Heath Site of Special Scientific Interest (SSSI), also designated a Special Protection Area (SPA) and Special Area of Conservation (SAC), situated immediately to the north west.
- 2.6 Trigon Hill barrow, a scheduled monument, is located towards the south eastern corner of the application site.

- 2.7 The site is situated within the Bournemouth and South East Dorset Green Belt.

### **3. The Proposal**

- 3.1 Planning permission is sought for the extraction of circa 1,200,000 tonnes of ball clay over a period of approximately 15 years. The ball clay will be extracted from an area of 18.7 ha located to the west of the existing working area.
- 3.2 Clay is extracted using hydraulic excavators to selectively dig the required clay seams. The clay is then transported to a central processing plant by road lorries for storage and processing.
- 3.3 The working of the quarry will be undertaken in 8 phases running south to north. Restoration will be undertaken in a phased manner as extraction proceeds in a northerly direction.
- 3.4 As well as the proposed extraction area, the application site includes an existing interburden waste tip at the northern end of the site and the existing ball clay working area immediately to the south. Overburden and waste clay from the first phase of the new extraction area will be deposited within the existing working area to achieve a higher ground level for restoration within this area. The proposal also includes the distribution of the material contained within the interburden waste tip into the restored areas of the proposed quarry.
- 3.5 The application proposes a final landform that is similar to existing levels at the southern end of the proposed extraction area with restoration to a lower levels throughout the remainder of the extraction area. The restoration scheme includes the formation of a pond at the northern end of the site with the remainder of the site restored to wet heath, mixed woodland and arable fields.
- 3.6 The proposal includes the formation of three settlement lagoons that will be created at the southern end of the site. The southern most of these lagoons will be retained permanently as part of the restoration of the site.
- 3.7 Topsoil will be stored in dedicated storage areas around the site prior to its reuse in the phased restoration of the extraction area.
- 3.8 The proposed quarry operating hours are 06:00 to 18:00 Monday – Friday and 07:00 – 15:00 Saturdays (Excluding Public/Bank Holidays). These reflect those currently imposed for ball clay operations from the Trigon site.
- 3.9 The proposal also includes the relocation of the access road that serves Trigon House. At present the access road extends through the proposed extraction area. The proposal includes the relocation of this access track to the West of the proposed quarry workings.

#### 4. Consultations and Representations

##### 4.1 **Purbeck District Council:**

*“The Council raises no objection, subject to the following considerations:*

*The potential impact on the setting of the Scheduled Ancient Monument. The Council would like to request that Historic England are consulted on this matter.*

*The Council has no further concerns regarding this matter”.*

##### 4.2 **Wareham St Martin Parish Council:**

*“Parish Council has no objections as ball clay is a finite material but would ask officers to ensure conditions show the applicants must ensure sufficient spoil to re-instate according to planning conditions instead of seeking new contours permission; also ensure sufficient screening for nearby residents by not felling any more trees.”*

##### 4.3 **Highway Liaison Engineer:**

No objection – subject to previously imposed conditions.

##### 4.4 **DCC Senior Ecologist:**

No Objection – subject to conditions securing phased restoration of the site, specified low nutrient grassland being restored to acid grassland, 10 years aftercare for acid grassland habitats, more open habitat for woodland restoration and protection of top soil resources for the use in restoration.

##### 4.5 **DCC Landscape Officer:**

*“We agree that there will be the potential for significant adverse visual impacts from the open access land of Hyde Heath to the North West of the proposed Trigon Pit extension. These views would have a significant adverse visual impact from the very south of the open access land in Hyde Heath and we agree that significant adverse visual impacts may not occur further than this southern part of the open access land. The views for the users of the bridleways SE6/14 and SE6/15 running through the Lower Hyde Heath would be intermittent and sequential as people pass along this right of way.*

*It is acknowledged that the viewpoint photomontages show what is to be considered the worst-case scenario across the phases for a duration of 18 months. It is understood that during the 18 months of extraction the previous phase will be restored with the next phase being prepared for extraction. As a mitigation condition we would like to reduce the visual impact of the proposed works and will therefore recommend a stringent schedule of phasing for the preparation, extraction and ongoing restoration of the site.*

*We have also studied the views of Trigon pit and the proposed extension from the Purbeck Ridge, which lies within the AONB to the south of the site, and in particular from Creech Barrow. It is considered that the proposed extension will not be visible from behind the tumulus and the ridge of coniferous trees, which borders the existing and proposed sites of Trigon from this viewpoint. From this viewpoint the exposed faces of the tumulus in the currently worked areas of Trigon are currently very prominent in the wider view, breaking the*

coniferous woodland backdrop of Bere and Morden Heath. Due to this and to mitigate these negative cumulative visual effects at Trigon we would like to see mitigation in the form of site heathland soil restored/dressed faces east to southwest of the tumulus. This would significantly reduce the visual impact of the bare clay/sand faces.

*In conclusion based on an assessment of the additional information provided for the Trigon Pit extension application we feel that a stringent schedule of phasing will help reduce any significant adverse visual impacts from Hyde Heath. The dressing of the east to southwest of the tumulus with heathland soil will aid in reducing the prominent exposed clay/sand faces from high points inside the AONB. “*

4.6 **DCC Archaeologist:**

*“The first thing to say is that having followed the various discussions on this matter, I feel that both Historic England and AC Archaeology have made good cases. There is the occasional point of detail that I might question, but their main arguments are good, which means that in my opinion there is no irrefutable archaeological case either for or against the proposed development.*

*I think it is worth commenting that the definition of ‘setting’ and the weight given to it within the planning process have changed considerably over the past few decades. This explains why previous extraction near the scheduled barrow was considered acceptable in the past by the various bodies (including Historic England’s predecessor – the old English Heritage), and yet Historic England is now arguing strongly for the retention of the surviving area of unquarried land adjacent to the barrow. Equally, I can understand a layperson thinking “Why put so much emphasis on that area when quarrying has had so much impact already?”*

*Something that must not be lost sight of is the poor old barrow itself! As we have been having our discussions, the rhododendrons and their roots will have been growing and causing ever more damage. Whatever happens, it is vital that this barrow is brought under proper management as soon as possible, which of course means that if consent is granted, such work needs to be secured by condition.*

*And it is also important that, once it is again visible, people can appreciate as much as possible of its original location. It would have been constructed on a high point with the intention of being seen by both the family and community of the deceased and by their descendants, and also by other people over a wide area. Hence, the more that can be done to get back to this original aim of the barrow’s builders, the better.”*

4.7 **Environment Agency:**

No objection.

4.8 **Natural England:**

No comment received.

#### 4.9 **Historic England**

The summary of comments received from Historic England is shown below. The full response from Historic England is shown at Appendix 5 -

*“The proposed quarrying development would have a major impact upon a scheduled prehistoric barrow sited on Trigon Hill, a prominent ridgetop overlooking a wide area of surrounding landscape. The barrow has already been significantly impacted by previous quarrying in the adjacent areas to its east, south and north east. The unquarried land in the western quadrants is now the only section of historic landform still remaining intact around the barrow. We previously advised in response to the Scoping Opinion request (letter of 16 May 2017), that any further significant encroachments by modern development into the remaining historic landscape around the barrow would be harmful to the setting and significance of the monument, both in its own right and cumulatively with the previous developments, and that any development proposal which would result in the barrow being left as an isolated feature within a man-made landscape would not be acceptable. This still remains our advice. The present application for quarrying and subsequent backfilling of the area to the west and north-west of Trigon Hill would involve the loss of a section of surviving historic landscape which forms a critical part of the barrow’s setting and archaeological context. Some mitigation and offsetting of impact is proposed in the application. However, even taking this into account, we consider that the overall level of harm to the setting and significance of the Trigon Hill barrow would (in NPPF terminology) be substantial and contrary to national and local planning policy. We therefore object to the present proposal and recommended refusal.*

*We consider that there may be scope for limited quarrying at the northern end of the application site, subject to close assessment of its potential impact. We also note that the proposal is being promoted in the Local Plan, which will allow due scrutiny.”*

#### 4.10 **Dorset Wildlife Trust:**

No Objection – subject to conditions securing phased restoration of the site, specified low nutrient grassland being restored to acid grassland, 10 years aftercare for acid grassland habitats, more open habitat for woodland restoration and protection of top soil resources for the use in restoration.

#### 4.11 **Flood Risk Management:**

No objection.

#### 4.12 **Other Representations:**

One representation has been received from The Dorset Local Enterprise Partnership. The representation states:

*“Imerys wish to extend their clay workings at Trigon. We know that Historic England have objected to this.*

*We recognise that this is a matter for the planning authority to determine the balance of issues but the Dorset LEP notes and would like to highlight the economic implications and economic importance of ball clay to Dorset and UK PLC. More specifically we note the economic value of the local employment*

*this provides, the value of exporting the product and the additional supply chain jobs, within and outside of the UK that this supports. We therefore support the principle of sufficient ball clay sites coming forwards. We also note within the Bournemouth, Dorset and Poole Mineral Strategy that was adopted in May 2014 in s. 8.31 it highlights the uncertainty over future supply – Just shy of a 10 years of supply has been identified but that this is not sufficient to cover the plan period, without future sites coming forward.”*

## **5.0 Planning Policy Framework**

5.1 Applications for planning permissions must be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The term ‘*other material considerations*’ is wide ranging but includes national and emerging planning policy documents.

### **5.2 The Development Plan**

For minerals developments the relevant development plan includes the Bournemouth Dorset and Poole Minerals Strategy (adopted May 2014), the remaining saved policies of the Dorset Minerals & Waste Local Plan (originally adopted April 1999) and the policies contained in the Purbeck Local Plan (adopted 2012). The most relevant development plan policies from the statutory Development Plan are:

#### **Bournemouth, Dorset and Poole Minerals Strategy (May 2014)**

- Policy SSI - Presumption in favour of sustainable development.
- Policy SS2 – Identification of Sites in the Minerals Sites Plan.
- Policy CC1 – preparation of Climate Change assessments
- Policy BC1 – Provision of Ball Clay.
- Policy BC2 - Ball Clay Transportation.
- Policy RS1 - Restoration, Aftercare and Afteruse of Minerals Development.
- Policy DM1 - Key Criteria for Sustainable Minerals Development.
- Policy DM2 - Managing Impacts on Amenity.
- Policy DM3 - Managing Impacts 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 DM7 – The Historic Environment
- Policy DM8 - Transport and Minerals Development.
- Policy DM10 - Planning Obligations.

### **5.3 Purbeck Local Plan Part 1 Planning Purbecks Future (2012) (Purbeck Local Plan - PLP)**

- Policy LD General Location of Development.
- Policy CO Countryside.
- Policy BIO Biodiversity & Geodiversity.
- Policy IAT Improving Accessibility and Transport.
- Policy LHH Landscape, Historic Environment and Heritage.
- Policy GP Groundwater.
- Policy GI Green Infrastructure, Recreation and Sports Facilities.



5.4 Emerging Local Plans

The NPPF notes that decision-takers may give weight to relevant policies in emerging plans (unless material circumstances indicate otherwise), having regard to, amongst other things, the stage such plans have reached. The Mineral Sites Plan was published for consultation on 1 December 2017 and a (public) examination was held at the end of September with the Inspector's decision awaited. The plan has therefore reached an advanced stage and provides the most up-to-date expression of policy intent. This report identifies relevant policies from the publication draft Plans and considers the proposals having regard to the stage the plans have reached.

5.5 Relevant Policies from the emerging development plan are:

Bournemouth, Dorset and Poole Minerals Sites Plan (pre-submission draft) – December 2017.

5.6 The area subject to this application has been proposed for allocation within the Minerals Site Plan for Ball Clay extraction.

5.7 National Planning Policy Framework, (NPPF) (July 2018)

Section 2 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means approving development that accords with an up to date development plan. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. (paragraph 11).

Local planning authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that a plan should not be followed (paragraph 12).

Other relevant parts of the NPPF include the following:

- Building a strong, competitive economy (paragraphs 80, 81, & 82).
- Supporting a prosperous rural economy: (paragraphs 83 & 84).
- Protecting Green Belt Land (paragraphs 133 – 147).
- Conserving and enhancing the natural environment (paragraphs 170, 171, 172, 173, 174, 175, 176, and 177).
- Conserving and enhancing the Historic Environment (paragraphs 184 – 202).
- Facilitating the sustainable use of minerals (paragraphs 203, 204, 205, 206, 207, & 208).

## 6.0 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 planning considerations are:

- The acceptability in principle of the proposed development.
- Landscape and Green Belt
- Historic Environment
- Ecology
- Highways
- Noise
- Dust

### 6.2 Principle of Development

Policy SS1 (Presumption in favour of Sustainable Development) and BC1 (Provision of Ball Clay) of the adopted Minerals Strategy are of particular relevance when considering the principle of development. Policy SS1 requires the Mineral Planning Authority to take a positive approach to development that reflects the national presumption in favour of sustainable development, where proposals accord with the local plan. Policy BC1 seeks to secure an adequate and steady supply of all grades of Ball Clay through the provision of 2.5 million tonnes over the plan period and from within the Ball Clay Consultation Area, within which this site falls. The policy then lists criteria including those related to landscape and nature conservation which are considered in detail in the paragraphs below. I consider that the proposal is compliant with both policies SS1 and BC1.

6.3 Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

6.4 Amongst other matters, paragraph 205 of the NPPF states that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction (including to the economy), but should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Any unavoidable noise, dust and particle emissions should be controlled, mitigated or removed at source. Paragraph 207 states that mineral planning authorities should make provision for a steady and adequate supply of industrial minerals. All of these principles are reflected in the adopted Minerals Strategy.

6.5 Policy BC1 aims to ensure an adequate and steady supply of all grades of Ball Clay, a nationally important and rare mineral, throughout the plan period. The development of the site would make a significant contribution towards this aim. Clay from the proposed site form a significant component in half of the specified blends from Dorset. The application states that Trigon is one of Imerys' main Ball Clay producing pits in Dorset, and during 2017 production reached 101,000 tonnes representing around 54% of the total pit production in Dorset. Currently there are 5 production grades mined in

Trigon pit which are important elements in the production of products for electrical porcelain and tile blends.

- 6.6 Policy BC1 goes on to set out the following environmental criteria which need to be met:
- a. The scale, nature, location and duration of the proposal would not have a significant impact on the landscape character and quality of the AONB.
  - b. Where sites are situated within the AONB, the scale and method of working should be appropriate in scale and specifically tailored to reduce harm.
  - c. Where it has been demonstrated that possible effects (including those related to hydrology, displacement of recreation, species, proximity, land management and restoration) that might arise from the development would not adversely affect the integrity of the Dorset Heaths SAC, Dorset Heathlands SPA and Dorset Heathland Ramsar site either alone or in combination with other plans or projects, unless in exceptional circumstances the provisions of Article 6(4) of the Habitats Directive are met.
  - d. A detailed restoration and aftercare scheme demonstrates how the enhancement of landscape, nature conservation habitats and geodiversity interest will be achieved, as appropriate. Where there are sites allocated in the Mineral Sites Plan and applications are for additional sites, the need for a particular grade of clay should be demonstrated.

These will be considered in subsequent paragraphs.

- 6.7 The area subject to this application has been proposed within the Minerals Site Plan as a preferred area for Ball Clay extraction. It is notable that no other ball clay sites are included within the emerging Mineral Sites Plan.
- 6.8 On the basis of the existing and emerging development plan policy, it is considered that the principle of the proposed development is acceptable.
- 6.9 Landscape and Visual Impact  
The landscape character and visual impacts associated with the proposed quarry extension include those associated with the physical extent of the extraction area and the movement and activity of the vehicles and plant associated with extraction and haulage of mineral. The visual and landscape impacts of the proposed restoration works and associated restoration profile are also issues for consideration.
- 6.10 Policy DM 4 BDPMS states minerals development will only be permitted when the proposals include provisions to protect and/or enhance the quality, character and amenity value of the countryside and development which affects the landscape will only be permitted if it can be demonstrated that any adverse impacts can be:
- i. avoided; or
  - ii. where an adverse impact cannot be avoided, the impact will be adequately mitigated;
- or
- iii. where adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements will be made to offset the residual landscape and visual impacts.

- 6.11 Whilst the application site extends to approximately 40 ha, the visual impacts of the extraction area itself are generally geographically restricted to views from the west and north west of the application site. The application is supported by a Landscape and Visual Impact Assessment which recognises that the proposal will result in a substantial adverse visual impact from the public Bridleway that runs broadly east to west through the open access land to the north west. Notwithstanding the significance of the impact from this viewpoint, it is noted that the impacts will be transient as mineral development moves northwards through the site in a phased manner. As a result the visual extent of the excavated area will be limited at any one time. It is also noted that views from the Bridleway network to the north west of the site are at approximately 1km from the application site with a solar farm located between the Bridleway and the application site.
- 6.12 Longer distance views are limited to glimpses from Puddletown Road approximately 1.8 km metres to the south and the higher ground of the Purbeck Hills 8km to the south. Whilst the development proposals themselves will not be overly prominent when viewed from these locations, the existing workings within the wider Trigon site are visible, these include the bare sand faces on the south side of the Trigon Hill barrow, the existing ball clay works in the north of the site and the mothballed landfill operations in the southern area.
- 6.13 It is considered that the impact from longer distance views of the application area and the wider Trigon site will be mitigated by the restoration of existing ball clay quarry area. As is currently consented, restoration within this area is at a lower level than was originally approved owing to a materials imbalance. Whilst not unacceptable, the revised lower restoration scheme did not contribute positively towards the landscape character of the area but did represent the most appropriate way forward without the importation of significant volumes of materials from outside the site. The restoration of the existing ball clay quarry through the raising of ground levels will be undertaken relatively early in the life of the development proposed under this application with interburden and clay waste being deposited here from the first phase of the development. The clay seams within phase one are at a considerable depth hence a significant amount of interburden and clay waste will be generated for this purpose. The raising of land levels within the existing ball clay site is considered to represent an improvement in landscape character when compared to the restoration profile that is currently approved.
- 6.14 The application proposes the restoration of the upper slopes of Trigon Hill barrow that have previously been excavated. These are currently bare sand and clay. Where possible these restored areas would tie in with the restoration of existing ball clay works and landfill restoration to the south. It is considered that the restoration of the bare sand faces that surround Trigon Hill barrow will represent a significant improvement in the visual and landscape impacts of the wider Trigon site. It is proposed that the details of such measures can be adequately secured through planning conditions as detailed under paragraph 9 of this report.
- 6.15 A large bund of material measuring 130 x 350 metres and approximately 10 metres in height is situated within the north eastern corner of the application site. This bund consists of waste material derived from the initial cell construction when landfilling operations commenced at the southern end of the wider Trigon site. Whilst the waste tip formed part of the approved

planning documents, this significant feature is not wholly sympathetic with landscape character of the area and results in an incongruous and unnatural feature. This application details the removal of the material from within the waste tip and its inclusion within the restoration of the proposed mineral void. This would have the effect of achieving restoration levels that are closer to existing levels both within the restored extraction area and on the site of the bund itself. Therefore, the removal of this feature and the redistribution of its material is considered to represent significant improvement to the landscape character of the area.

- 6.16 It is considered that the overall landscape character and visual impact of the final restoration landform is acceptable having regard to the benefits associated with the early restoration of land to the north, east and south of Trigon Hill barrow, the removal of the interburden waste tip and increasing the restoration levels within the existing ball clay working area.
- 6.17 Taking into account scale and duration of the potential impacts as well as those mitigation measures proposed and secured through planning condition, it is considered that the proposal will not adversely impact upon the visual amenity and landscape character of the area to an unacceptable level. The proposal is therefore seen to be in accordance with policies RS1 and DM4 of the BDPMS and Policy LHH of the Purbeck Local Plan – Part 1.
- 6.18 Green Belt  
Para 133 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.19 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Certain forms of development, including minerals extraction, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 6.20 Whilst there is some adverse visual impact from the proposed development, it is considered that views through and across the area will be maintained or enhanced as a result of the proposal as a result of the proposed restoration. In addition, the development is for a limited time and minerals can only be worked where they are found. Taken together officers consider that the openness of the Green Belt will be preserved. The aims of the South East Dorset Green Belt are to protect the identity of settlements by maintaining open land around them and to maintain open land around the conurbation. As openness will be preserved and the proposal is not for built development, it would not conflict with the aims of including this land within the Green Belt designation. The proposal is therefore seen to accord with paragraphs 133 – 147 of the NPPF.
- 6.21 Historic and Cultural Heritage  
The application proposes the extraction of ball clay to the west and north west of Trigon Hill barrow, a scheduled monument. The boundary of the proposed extraction area will be located approximately 40 metres from the barrow itself. Mineral Extraction has previously been undertaken within approximately 10 metres of the barrow to the north, east and south. The application also

includes the construction of three settlements lagoons to the south east of the site; the closest at approximately 80 metres.

- 6.22 Given the scale and nature of the proposal and the proximity to Trigon Hill barrow the potential exists for the development to cause harm to the setting and significance of the Scheduled Monument.
- 6.23 Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.24 Paragraph 190 provides that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.25 The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 195 states that substantial harm to or loss of a scheduled monument should be wholly exceptional. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), will require clear and convincing justification.
- 6.26 Paragraph 195 of the NPPF is clear that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 6.27 Policy DM7 of the BDPMS states that proposals for minerals and waste development in Bournemouth, Dorset and Poole will only be permitted where it can be demonstrated through an authoritative process of assessment and evaluation that heritage assets and their settings will be conserved in a manner appropriate to their significance. Adverse impacts should be avoided or mitigated to an acceptable level.
- 6.28 Historic England have been consulted on the application and have objected stating that the overall level harm to the setting and significance of the Trigon Hill barrow would be substantial. A principal concern of Historic England is the impact of the proposed development, in combination with existing mineral and

waste workings, on the setting of the barrow. In particular, the concerns relate to complete encirclement of the barrow and the loss of the last surviving historic landscape that connects the monument with the wider landscape within which it is experienced. Historic England note that even with the mitigation measures proposed, including restoration to existing ground levels of an area immediately to the west of barrow, the raising of restoration levels within the existing extraction area, the removal of the interburden waste bund and the adoption of a heritage management plan for the monument, the level of harm to the monument would not be reduced to an acceptable level. That is because the historic landscape cannot be recreated.

6.29 As part of their representation Historic England have stated that there may be potential for quarrying within the northernmost part of the application site providing this retains sufficient historic landform to maintain the significance of the monument in its setting. It is suggested that such a proposal should include:

- The surviving peninsula of ground containing the barrow
- The crest of the ridge up which Trigon Hill stands
- Land on the ridge slopes opening out westwards from the area of the barrow towards Hyde Heath and the Piddle valley

6.30 It is notable that even with the above limitations in place, Historic England consider that mineral extraction here would still have a harmful impact on the setting of the barrow.

6.31 In response to those issues raised By Historic England, the applicant's heritage consultant considers:

- That the significance of the barrow lies primarily in its archaeological interest and the evidential value provided by its physical experience.
- That the current setting of the barrow, though important, is detrimental to an appreciation of the assets significance. The barrow mound is not visible due to dense rhododendron cover, its setting is dominated by coniferous plantation and distant views of it are compromised by bare quarry faces.
- That the proposed quarrying around the barrow will cause a temporary adverse effect on the setting of the barrow that if left unmitigated could cause harm to the setting and significance of the barrow.
- That the scheme proposals, however, include both for the restoration of the excavated overburden to profiles close to the existing contours in the vicinity of the barrow as well as for the management of the site in a more benign, restored heathland, land-use, more in keeping with its original setting.

6.32 The applicant does not accept that the quarrying and restoration of the landscape to the north and west of the monument, along with the improvements to the monuments physical condition, will constitute harm to the significance of the monument and that Historic England have overstated the case for harm from indirect effects. It is also stated that the removal of some of the original geological sequences within the setting of a heritage asset does not necessarily constitute harm. The applicants conclude that at

worst the effects should be considered less than substantial harm, and then of a low order.

- 6.33 It is noted that through the imposition of conditions, as detailed under paragraph 9 of this report, an area to the west of the Trigon Hill barrow would be restored to original ground levels following a detailed topographical survey of the slopes. Restoration within this area would also be at a relatively early stage in the life of the site given that the mineral extraction will commence in the south of the site and be undertaken in a phased manner. The applicants also confirm that management of the Trigon Hill barrow will be undertaken, the details of which will be secured through a condition of this permission. Officers are of the opinion that these measures are important considerations in the determination of the application and would assist in limiting any potential harm to the setting of Trigon Hill barrow.
- 6.34 Whilst there is clearly a range in the scale of impacts associated with the category of 'substantial' harm, as defined in the NPPF, officers consider that through the proximity and scale of the proposed extraction area which will lead to the encirclement of the barrow and the in-combination effects of previous mineral workings, the level of harm to the setting of the barrow would be substantial. This level of harm would occur as a result of the loss of the historic landform and the historic association with the wider landscape.
- 6.35 The NPPF's policy that the substantial harm caused to the barrow's setting should be wholly exceptional creates a very strong presumption against granting planning permission. Therefore the proposal must have clear, convincing and substantial public benefits that outweigh that harm.
- 6.36 The applicants consider the recommendations and reductions in the extent of mineral extraction on a scale suggested by Historic England would result in the approximate loss of the first 2.5 phases of extraction. This would equate to approximately 375,000 tonnes of ball clay over 3.5 years. The applicants consider that such a loss in reserve would impact upon the viability of the Dorset Ball Clay operations as well as the wider UK business.
- 6.37 The Environmental Statement that accompanies the application sets out the requirement for Trigon West ball clay and provides an assessment of alternatives. In addition, the applicants have also submitted a commercial overview detailing the economic importance of ball clay.
- 6.38 The application details the following points in respect of the importance of ball clay and the Trigon clays in particular:
- Ball clay is a scarce natural resource that is recognised by the UK Government as a mineral of national importance.
  - Imerys' UK Ball Clay operation has product portfolio which covers 57 unique products selling in 8 diverse markets. Worldwide over 220 customers in 46 countries are supplied by Imerys Ball Clay products sourced, in part, from Dorset. Longevity of supply and consistency of ball clay product specification is vital to ensure the continued prosperity of the UK's downstream ceramics industry.
  - Ball clay is a naturally occurring mineral and as such can exhibit variation both laterally and vertically. To utilise and standardise these natural variations clays have to be blended. The ceramic industry is extremely diverse and there is little standardisation of process. The ball clay requirement therefore has to be finely tuned.



- The result of this diversity means that Imerys produces 21 specified blends from Dorset and a further 20 from Devon. Trigon West clay is a significant component in 50% of the blends produced in Dorset and is an important component in the two main sanitary ware blends produced in South Devon.
- Ball clays from Trigon form an important part of the Dorset resource, and are needed to meet the technical blend requirements of the ceramic industry. Production from Trigon accounts for approximately 50% of the total ball clay production from Imerys' Dorset operations. Average annual production from Trigon is in the region of 100,000 tonnes. The Trigon clays are a vital ingredient in the Dorset production requirement.
- At the end of August 2018, 73 people were directly employed by Imerys in the operations centred in Dorset and Devon. The total wage bill for these employees exceeded £2.1 Million in 2017. During 2017 over £11.3 Million was spent by the Company in the acquisition of goods and services. Of this total 86% (£9.8 Million) was spent in the United Kingdom, a large proportion of which was with businesses in the local area. Imerys' presence makes a significant contribution to local taxation including £336,000 spent with Purbeck and Teignbridge District Councils during 2017.
- The importance of the ball clay produced extends to the wider contribution to the economy through the downstream consumer industries and the related employment associated with them both locally and internationally. This underlies the national and international importance of ball clay in general. This in conjunction with its scarcity, is one of the key reasons for the need to ensure an adequate reserve base and continuity of supply.
- Trigon western extension is key to Imerys UK Ball Clays. Access to the full extension is critical to maintain reserves and ensure current product portfolio sustainability.

- 6.39 In addition to the above it is noted that the Trigon site is the only Dorset ball clay quarry not situated within the Dorset AONB. The application site also represents the only planned allocated site within the emerging Minerals Sites Plan. Therefore, the need to maintain a steady supply of the mineral has the potential to increase the pressure for extraction within the remaining areas of ball clay extraction within the Dorset AONB should the mineral reserve at Trigon not be fully worked.
- 6.40 It is considered that the scarcity (ball clay is only found in the UK in Purbeck and two areas in Devon), the need to maintain a steady supply of mineral and the economic benefits associated within the industry demonstrate that there are significant public benefits associated with the development. Furthermore, officers are of the opinion that the scale in the loss of mineral reserves required to reduce the impact upon Trigon Hill barrow are also significant in the context of ball clay production in Dorset.
- 6.41 It is noted that those landscape works detailed in paragraphs 6.13-6.17 above also result in public benefits. These include the raising of land levels within the existing quarry area, the restoration of the slopes around the Trigon Hill barrow and the removal of the clay waste tip. It is considered that all three measures both mitigate the impact of the proposal through the enhancement of the landscape character of the area, providing a public benefit, and would result in an improvement to the setting of the Trigon Hill barrow.

- 6.42 The substantial harm to the setting of the barrow creates a presumption against granting consent. However, the public benefits of the proposal, including the importance of nationally scarce ball clay and the restoration works which will improve the setting of the barrow, albeit that the historic landscape associated with it cannot be recreated, are considered to be very substantial and sufficient to outweigh the harm to the barrow. These public benefits are considered to be so substantial to constitute the exceptional circumstances required by the NPPF to approve the proposal.
- 6.43 Ecological Impacts  
The proposal has the potential to adversely impact upon the ecological interests of the locality through the removal of habitat, disturbance from quarrying activities and the type of the intended restoration profile and habitats.
- 6.44 Policies DM1 of the BDPMS state that minerals development must demonstrate the protection and, where possible, the enhancement of biodiversity including nationally and internationally designated sites. Policy DM 5 of the BDPMS states that proposals for minerals development must be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change. The assessment must also demonstrate how the proposal intends to address the need to maintain and/or enhance features of local and regional importance including Sites of Nature Conservation Interest. The proposals should seek to achieve this wherever possible and consistent with viable development.
- 6.45 Having regard to the scale of the proposed development and the proximity of the application site to the adjacent nature conservation designations, the application includes the submission of an ecological assessment. The ecological assessment includes protected species surveys for great crested newt, badger and bats, the results of which are used to inform the recommendations of the assessment. The assessment concludes that there are no grounds to suggest the proposal will result in significant negative residual effects upon ecological receptors. The assessment also recommends a number of measures to avoid and mitigate potential impacts that should be secured through the submission of an Ecological Management Plan.
- 6.46 The County Council's Senior Ecologist has raised no objection to the proposed development subject to amendments to the restoration and aftercare scheme in order to maximise the ecological benefits. These have been agreed by the applicants and are secured through the conditions outlined in paragraph 9 of this report.
- 6.47 It is considered that subject to the measures secured through an Ecological Management Plan and a revised restoration and aftercare scheme, the proposed development will not adversely impact upon the ecological interests of the locality. The proposal is therefore seen to be in accordance with Policies DM1 and DM5 of the BDPMS.
- 6.48 Highways  
The principal highway impact associated with the proposed development will be the use of the access by quarry traffic and the increased numbers of HGV's on the local highway network.

- 6.49 Policy DM 8 of the BDPMS notes that minerals development which could have an adverse impact as a consequence of the traffic generated by it will only be permitted where it is demonstrated, through a Transport Assessment that:
- a. a safe access to the proposed site will be provided;
  - b. there will be no adverse impact on the Strategic, Primary and/or Local road network;
  - c. developers will provide the funding for any highway and transport network improvements necessary to mitigate or compensate any adverse impact on the safety, capacity and use of a highway, railway, cycleway or public right of way and that these improvements will be delivered in a timely manner; and
  - d. the proposal, where possible, has direct access or suitable links with the Dorset strategic highway network or primary route network.
- 6.50 Quarry traffic entering or the leaving the site will do so via an existing designated dedicated access onto Bere Road. The access was initially constructed following the grant of planning permission for the landfill development. It is considered that its use will not be detrimental to highway safety.
- 6.51 Historically there have been three separate operations at the Trigon site which have contributed to the overall traffic generation levels. These include landfill operations, ball clay extraction and sand and gravel extraction. The application states that these operations combined have historically produced traffic generation levels in the region of 30,000 HGV movements per year. This equates to approximately 123 movements per day. Sand and gravel extraction has now ceased and no sand and gravel will be recovered as part of this proposal. This results in a reduction of approximately 30 HGV movements per day. In addition, landfill operations are currently mothballed resulting in a further reduction of around 51 movements per day. HGV movements associated with existing Ball Clay operations are currently restricted to 42 movements per day.
- 6.52 The consent for landfilling is still extant and operations could recommence. Therefore, it is considered the vehicle numbers associated with this aspects of site operations should not be deducted when considering the cumulative impact of HGV movements.
- 6.53 The application proposes the extraction of approximately 100,000 tonnes of ball clay per annum. This equates to 56 HGV movements per day. The application states that the winning and working of clay is undertaken on a campaign basis. It is proposed that clay production from Trigon will range between 300-3000 tonnes per week, consequently peak traffic movements are proposed to be in the region of 64 movements per day. However, there will be many days within the year when there will be no movements at all.
- 6.54 It is considered that during peak ball clay production, HGV movements will be similar to existing permitted levels, taking into consideration the cessation HGV movements associated with sand and gravel. Should landfill operations not recommence then clearly traffic generation levels will be well below historic levels.
- 6.55 Having regard to the standard of the existing vehicular access and the level of HGV movements proposed as part of the development, it is considered that

the proposed development will not adversely impact upon the capacity of the highway network or result in any significant increase in congestion. The proposal is therefore seen to accord with policy DM8 of the BDPMS.

6.56 Noise

The proposed development has the potential to adversely impact upon the amenity of residential properties by way noise disturbance from both the quarrying operations and HGV movements along the haul road.

6.57 Policy DM 2 of the BDPMS states that proposals for waste management facilities will be permitted where it is demonstrated that any potential noise impacts on amenity arising from the operation of the facility and any associated transport can be satisfactorily avoided or mitigated to an acceptable level.

6.58 Paragraph 30 of the NPPF Technical Guidance states that subject to a maximum of 55dB(A)LAeq, 1h (free field), MPA's should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances it will be difficult to not exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator. The guidance states that in such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq, 1h (free field).

6.59 Paragraph 31 of the NPPF states that all mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. It is noted that these activities can bring longer-term environmental benefits. Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered to facilitate essential site preparation and restoration works where it is clear this will bring longer-term environmental benefits to the site or its environs.

6.60 Having regard to the potential impact upon the amenity of nearby residential properties, it is considered that the noise impacts from the proposed extraction and haulage of mineral will be similar to those from existing site operations.

6.61 It is proposed that existing noise limits at the nearest sensitive receptors will be maintained as part of the proposed development and secured through the conditions detailed in paragraph 9 of this report.

6.62 Taking into account the distance from the proposed quarry to the nearest noise sensitive premises, the proposed noise limits and the method and scale of proposed working, it is considered that there will be no adverse impact upon the amenity of nearby residential properties by way of noise disturbance. The proposals are therefore seen to be in accordance with policy DM2 of the BDPMS.

6.63 Dust

The proposal has the potential to impact upon the amenity of the area through the generation of dust, both from within the quarry itself and by HGV traffic using the associated haul road.

- 6.64 Policy DM2 of the BDPMS states that mineral development will be permitted where it is demonstrated that any potential adverse dust impacts on amenity arising from the proposal and any associated transport can be satisfactorily avoided or mitigated to an acceptable level,
- 6.65 Existing ball clay extraction at Trigon is subject to a dust management plan secured under planning permission 6/2005/0863. The applicants have stated that the proposed extraction area should be subject to the provisions within the existing dust management plan. Officers consider that the existing dust management plan is appropriate and that the impacts associated with dust emissions can be adequately controlled through a planning condition requiring the continued implementation of the existing a dust management plan across the proposed site.
- 6.66 Taking into consideration the measures secured by conditions detailed in paragraph 9 of this report, it is considered that the proposal will not adversely impact upon the amenity of the area by way of dust emission. The proposal is therefore seen to accord with Policy DM2 of the BDPMS.
- 6.67 Conclusion  
Taking into account scale and duration of the potential impacts as well as those mitigation measures proposed and secured through planning condition, it is considered that the proposal will not adversely impact upon the visual amenity and landscape character of the area to an unacceptable level. The proposal is therefore seen to be in accordance with policies RS1 and DM4 of the BDPMS and Policy LHH of the Purbeck Local Plan – Part 1.
- 6.68 It is considered that views through and across the area will be maintained or enhanced as a result of the proposal and that the development will have no adverse impact on the openness of the green belt. In addition, it is noted that the proposed development does not conflict with the aims of including this land within the green belt designation. The proposal is therefore seen to accord with paragraphs 133 – 147 of the NPPF.
- 6.69 Having given great weight to the conservation of the heritage asset, it is considered that the significant public benefits associated with the development would clearly and demonstrably outweigh the harm to the setting of the scheduled monument through the loss of the historic landscape. The proposal is therefore seen to accord with the NPPF guidance, policy DM7 of the BDPMS and Policy LHH of the Purbeck Local Plan.
- 6.70 It is considered that subject to the measures secured through an Ecological Management Plan and a revised restoration and aftercare scheme, the proposed development will not adversely impact upon the ecological interests of the locality. The proposal is therefore seen to be in accordance with Polices DM1 and DM5 of the BDPMS.
- 6.71 Having regard to the standard of the existing vehicular access and the level of HGV movements proposed as part of the development, it is considered that the proposed development will not adversely impact upon the capacity of the highway network or result in any significant increase in congestion. The proposal is therefore seen to accord with policy DM8 of the BDPMS.
- 6.72 Taking into account the distance from the proposed quarry to the nearest noise sensitive premises, the proposed noise limits and the method and scale

of proposed working, it is considered that there will be no adverse impact upon the amenity of nearby residential properties by way of noise disturbance. The proposals are therefore seen to be in accordance with policy DM2 of the BDPMS.

- 6.73 Taking into consideration the measures secured by conditions detailed in paragraph 9 of this report, it is considered that the proposal will not adversely impact upon the amenity of the area by way of dust emission. The proposal is therefore seen to accord with Policy DM2 of the BDPMS.

## **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. Statement of Positive Involvement**

- 8.1 In accordance with paragraphs 186 and 187 of the NPPF, the 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 potential planning issues; and
  - iv. providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

- 9. Recommendation:** That Planning Permission be GRANTED subject to the following conditions:

### Time limit - Commencement of Development

1. The development permitted by this consent shall commence before the expiration of 3 years from the date of this permission.

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

### Commencement

2. Written notification of the date of commencement of operations shall be sent to the mineral planning authority within 7 days of such commencement.

Reason: To define the development having regard to the sensitivities of the locality in accordance with policies DM2 and DM4 of the BDPMS.

### Duration of Development

3. Unless otherwise agreed in writing by the Mineral Planning Authority, the development, subject of this permission, shall be limited to the period not exceeding 15 years from the date the development is begun.

Reason: To define the development having regard to the sensitivities of the locality in accordance with policies DM2 and DM4 of the BDPMS.

### Development to be in accordance with Approved Plans

4. Unless otherwise approved in writing by the mineral planning authority, the development hereby permitted shall be carried out in strict accordance with the details

shown on the following plans and drawings submitted as part of the application:

Drawing No. WBC/78, dated 30<sup>th</sup> Oct 2017

Drawing No. WBC/79 Rev 1, dated 21<sup>st</sup> Feb 2018

Drawing No. WBC/80 Rev 1, dated 8<sup>th</sup> Feb 2018

Drawing No. WBC/81 Rev1, dated 29<sup>th</sup> Jan 2018

Drawing No. WBC/82 Rev1, dated 29<sup>th</sup> Jan 2018

Drawing No. WBC/83 Rev 1, dated 29<sup>th</sup> Jan 2018

Drawing No. WBC/84, dated 29<sup>th</sup> Dec 2017

Drawing No. WBC/86 Rev 1, dated 8<sup>th</sup> Feb 2018

Drawing No. WBC/87, 27<sup>th</sup> Jun 2017

Drawing No. TRI.084.17, dated 6<sup>th</sup> Mar 2017

Reason: To define the development having regard to the sensitivities of the locality in accordance with policies DM2 and DM4 of the BDPMS.

### Detailed Topographic Recording

5. Prior to the disturbance of the existing land surface through the removal of topsoil, subsoil, mineral deposit or any other engineering operation associated with the proposed development;

i) a scheme shall be submitted detailing the methodology for the recording of existing ground levels to the west of the Trigon Hill barrow. The scheme shall detail the extent or the survey area, survey methodology and presentation of results, and.

ii) Existing ground levels shall then be recorded in accordance with the approved details.

Reason: To ensure the restoration and recreation of the existing land profile in accordance with Policies DM4 and DM 7 of the BDPMS and Policy LHH of the Purbeck Local Plan.

### Restoration Scheme

6. No later than 12 months from the date of this permission, a detailed restoration scheme shall be submitted for the approval in writing by the Mineral Planning Authority. The scheme shall include:

i) a plan detailing the timing, phasing, final levels, seeding and intended after uses of each area of the application site;

- ii) soil depths and characteristics to be used within each area of the application site;
- iii) method of working;
- iv) Measures to implement the historic topographic landform as informed by the requirements detailed under condition 5 of this permission; and
- v) detailed measures for the restoration of the land immediately around the tumulus as well as timescales for doing so.

By the expiration of the period specified in condition 3 above, extraction operations shall have ceased and the site shall have been restored in accordance with the approved restoration scheme.

Reason: To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interests of the visual amenity and nature conservation interests of the locality in accordance with Policies BC1, DM4, DM5 and DM7 of the BDPMS.

#### Aftercare Management and Annual Review

7. No later than 12 months from the date of this permission an aftercare scheme for the restored areas detailed under Condition 6 shall be submitted to, for the approval in writing by the Mineral Planning Authority. Following its approval the scheme shall be fully implemented unless otherwise agreed in writing with the Mineral Planning Authority. The scheme shall set out the steps to be taken so that the land is suitable for its intended afteruse.

It shall include as appropriate;-

- (i) details of soil treatment and cultivation techniques;
- (ii) seeds mixtures and rates of application;
- (iii) tree and shrub planting including species, sizes, method and density planting;
- (iv) proposals for the maintenance of tree and shrub planting;
- (v) such other matters as may be appropriate; and
- (vi) the length of the aftercare period.

Aftercare shall then be undertaken in accordance with the approved details.

Reason: To ensure the land is correctly restored and managed on completion in accordance with Policies BC1, DM3 and DM4 of the BDPMS.

#### Ecological Management Plan

8. No development shall be commenced until an ecological management plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted report shall detail procedures for the implementation and timing of the recommendations and mitigation measures as set out within the submitted Ecological Impact Assessment dated February 2018. The mitigation measures shall then be carried out in accordance with these approved details.

Reason: To mitigate the impacts of the proposal having regard to the ecological sensitivities of the area in accordance with Policies DM1, DM4 and DM5 of the BDPMS.



#### Hours of Operation

9. Except in emergencies to maintain the safe working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless otherwise approved in writing by the Mineral Planning Authority, no operations shall take place outside of the hours 0600-1800 Monday to Friday and 0700-1300 on Saturdays. No operations shall take place on Sundays or public holidays without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Archaeology

10. No works shall take place until a written scheme of archaeological investigation has been submitted to, and approved by the Mineral Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard heritage assets having regard to policy DM7 of the BDPMS.

#### Archaeology

11. No later than 6 months from the date of this permission a scheme shall be submitted to the Mineral Planning Authority for its approval which details measures for the removal and subsequent management of vegetation on and surrounding the Scheduled Monument. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard heritage assets having regard to policy DM7 of the BDPMS.

#### Noise

12. No development shall take place until a scheme which specifies provisions for the control of discrete and distinct noise emissions from the approved development area, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details in respect of noise monitoring and recording. Immediately following approval by the Mineral Planning Authority, the measures approved within the scheme shall be implemented and maintained at all times.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Maximum Noise Levels - Routine Operations

13. The residual noise level (LAeq 1 h) at any noise sensitive receptor should not exceed +10 decibels (dB) above the background noise level (LA90, 1h) or an absolute limit of 55 dB (A) LAeq 1h (freefield), whichever is the lower, at any time during permitted operational hours.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Maximum Noise Levels

14. For temporary operations comprising site preparation, soil and overburden stripping, bund formation and final restoration, noise levels at noise sensitive receptors shall not exceed 70dB (LAeq) 1-hour free field. Temporary operations which exceed the routine operations noise limits set out in condition 13 of this

planning permission shall not exceed a total of eight weeks in any calendar year measured from any dwelling.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Noise Procedures in the Event of a Complaint

15. Prior to the commencement of any works or operations at the quarry details for noise monitoring and procedures to be followed in the event of a justifiable complaint being received by the Mineral Planning Authority shall be submitted to and approved in writing by the Mineral Planning Authority. Noise monitoring and complaint procedures shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Soil Handling and Storage

16. No soil stripping shall take place until a soil management scheme has been submitted to, and approved in writing by, the mineral planning authority. The scheme shall be implemented as approved.

Reason: To ensure the adequate management and protection of soil resources having regard to Policies RS1, DM1, DM2 and DM 4 of the BDPMS.

#### Limits to Development

17. No material shall be imported into the site for processing or filling. No waste, other than waste arising from operations on the site, shall be deposited on the site.

Reason: For the avoidance of doubt and to comply with policies BC1 and DM1 of the Bournemouth, Dorset and Poole Minerals Strategy.

#### Limits to Development

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, with or without modification, no building, structures, fixed plant or fixed machinery shall be installed, erected or placed within the site without the prior written approval of the Mineral Planning Authority.

Reason: For the avoidance of doubt and to comply with policies BC1 and DM1 of the Bournemouth, Dorset and Poole Minerals Strategy.

#### Dust

19. Prior to the commencement of any works or operations a scheme detailing suppression measures for the control of dust generated by site operations, permissible levels and monitoring procedures shall be submitted in writing to the Mineral Planning. The scheme shall then be implemented in accordance with the approved details.

Reason: In the interests of the amenity of residents and visitors to the area in accordance with Policies BC1, DM 1 and DM2 of the BDPMS.

#### Traffic

20. Not more than an average of 32 loaded vehicles per day, measured on a six monthly basis, shall leave the site. Monthly production summary figures for the pit shall be made available to the Mineral Planning Authority for inspection, on request.

Reason: In the interests of highway safety and the amenity of the area in accordance with policy DM8 of BDPMS.

### **Informatives**

Prior Land Drainage Consent (LDC) may be required from DCC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works

### **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

### **Mining Waste**

The applicant should check whether activity on this site may require a Mining Waste Environmental Permit. The details of this Environmental Permit will have to be approved by the Environment Agency before work commences. Further information can be found at: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-mining-waste-directive>

**Maxine Bodell**  
Head of Planning