

Regulatory Committee

Dorset County Council



Date of Meeting	24 January 2019
Local Member – Cherry Brooks - County Councillor for South Purbeck Lead Officer – Michael Garrity – Planning and Regulation Manager	
Subject of Report	To consider: (1) Application No. 6/2017/0732 for the continued working of the western extension to Furzeyground Ball Clay Pit until 31 December 2030; and (2) Application No. 6/2018/0388 for the variation of conditions 3 and 15 of consent 6/1988/0002 to update the approved plan details to allow the extraction of Ball Clay to be completed, providing an acceptable final landform and restoration which incorporates an internal haul route
Executive Summary	<p>These applications propose changes to the duration of operations at the Imerys Ball Clay pit at Furzeyground. There will be no changes to the amount, or extent of the extraction operations, but it is proposed to extend the duration until 31 December 2030, with restoration completed by 30 September 2031.</p> <p>It is also proposed to move the haul road to the southern side of the pit to allow extraction within the north-western corner. The relocation of the haul road would be to a less visible location and allow restoration to take place earlier along most of the northern boundary and in the north-western section of the site. The applications are accompanied by an Environmental Statement.</p>

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 [(including an Environmental Statement)], 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	That the Mineral Planning Authority resolves to grant planning permissions 6/2017/0732 and 6/2018/0388, subject to the prior completion of a s106 obligation, as described in paragraph 8.2, and in accordance with the conditions set out in paragraph 8.3 of this report.
Reason for Recommendation	The reasons for granting planning permission are set out in paragraphs 6.1-6.34 of the report.
Appendices	Appendix 1 Location Plan Appendix 2 Application area 6/2018/0388 Appendix 3 Application area 6/2017/0732 and Extraction Phasing Appendix 4 Phased Restoration Plan Appendix 5 Final Landform
Background Papers	Planning Application file - No. 6/2017/0732 Planning Application file - No. 6/2018/0388
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1. Background

- 1.1 Furzeyground Ball Clay Pit is a long-established minerals site with planning permission for Ball Clay extraction dating from 1967. Historically the site has even older links with the course of an old mineral tramway running through the site, linking older pits with a quay on Poole Harbour.
- 1.2 Part of the original consent area has since been the subject of international habitat designations (SAC, SPA and Ramsar sites) and the site has therefore been the subject of review of its permission (ROMP) to provide more up-to-date planning conditions and habitat reviews. Permission was granted for extraction within the western area of the site which had previously been used for the stockpiling of Ball Clay. In exchange an agreement was secured that prevents any further mineral operations within the area of internationally designated heathland. It is this western area that is the subject of the main application for the continued extraction of Ball Clay.
- 1.3 The historic tramway route has, for many years, been used as a lorry haul road and is now used by HGV traffic to haul Imerys' Ball Clay production from both Dorey's and Povington pits to the processing works at Furzebrook. This has been a successful haul road as it offers a shorter distance for the lorries (saving fuel and CO₂ emissions) and diverts the HGV traffic from the public highway, which benefits a significant number of residences along the route of the highway. Some of the remaining reserves at the site are beneath this haul road, so it needs to be diverted from the current route to enable the exploitation of these reserves.
- 1.4 There are two planning applications considered by this report: one is for the extension of the extraction life covering the western extension area; and the other seeks to vary the conditions of the main site to accommodate a revised route for the haul road and to update the restoration proposals.

2. Site Description

- 2.1 The site extends to about 13ha, 2.6ha of which is the western extension. Stoborough and Creech heath (designated as an SAC, SPA, Ramsar, and SSSI) bounds the site to the north west, north, east and south east. Cotness Road is at the south west end of the site. Views into the western extension, between the trunks of a thin tree belt, are visible from the road.
- 2.2 The site is within the Dorset AONB and is part of the South Purbeck Heaths Character Area. The central area (of which the site forms part) is described as being wooded with a more intimate and enclosed feel. Abutting the southern boundary of the site is one of these wooded areas. 1 km to the south is Creech Barrow, the closest point of the Purbeck Ridge character area to the site. There are views into the central and northern part of the site from the Creech Barrow and other locations along the ridge. However, the southern edge of the site is screened by trees.
- 2.3 The southern edge of the site lies 95m north of 1 Cotness which is grade II listed. The garden of this property is closer and an associated orchard area abuts the southern edge of the site. There are two further properties at Cotness which are 125m and 150m from the southern boundary of the site. To the west, on Grange road, there are 5 properties at distances between 330m and 360m from the site. There is one property 30m west of the site on Cotness Road (The Bungalow). This

is in Imerys' ownership and they have no plans to sell the property. However, it is occupied on a temporary basis by a company employee.

- 2.4 Running east to west, the site contains a haul road that is used to transfer Ball Clay from the company's Povington and Dorey's pits. The haul road continues for a further 650m east of the eastern boundary of the site, at which point it reaches Furzebrook Road and the company's Furzebrook processing works.

3. The Proposal

- 3.1 There are two planning applications which cover different adjacent areas.
- a) The first application in the west of the site is for the continuation of working at historic rates but extending the extraction life by 13 years until 2030. This application also proposes the diversion of a haul road that runs through the site.
 - b) The second application within the adjacent eastern area seeks to vary the restoration proposals of this area to accommodate the diverted haul road.
- 3.2 It was estimated in 2017 that there was a further 59,000 tonnes of commercial reserves remaining at the site. At the current and historic output, of about 4,500tpa, these reserves will last approximately 13 years. This means that extraction should be finished during 2030 and restoration completed the following year by September 2031.
- 3.3 The proposals seek to re-route the haul road to the southern side of the pit so that the reserves at present beneath the western end of the haul road can be exploited. Whilst the southern edge of the pit brings the haul road closer to the properties at Cotness, the road would be constructed at a lower level and close to a screening bank. The difference in levels, and the fact that it is close to a bank that would extend above the height of the lorries, would serve to deflect any noise away from the sensitive receptors at Cotness. The location on the southern edge also means that the haul road would be screened from any viewpoints at Creech Barrow, along the Purbeck ridge, or from the houses in Cotness, including the listed property. This is because of the bank located at the western end of the haul road and also because of woodland areas all along the southern boundary of the site which serves to screen the longer views from the higher ground.
- 3.4 The proposals seek to retain the haul road for a longer period. The retention would be at least while the current operations at Dorey's and Povington remain active. This could be longer if new reserves at these sites, or new sites west of Furzeyground, receive planning consent. In any event, the life of the haul road would be limited to February 2042, unless an application is received to extend the life further.
- 3.5 The proposal also includes plans to bring forward restoration within the central and eastern part of the site. Moving the haul road also provides better linkage between the restoration of the site and the designated heathland to the north of the site. The eastern end of the site is within the SSSI boundary, so restoration within this area is a priority.

4. Consultations and Representations

- 4.1 The applications were advertised in in the local press, by site notices, and by 17 neighbour notifications. No representations were received. The consultation responses are summarised below

4.2 Purbeck District Council

Raises no objection and has no comments to make.

4.3 Church Knowle Parish Council

Resolved that it had no objections to it in principle. However, it suggests that the following planning conditions be made to any permissions granted:

1. A metalled road be installed and kept free of clay and other mining dusts, etc., such as to prevent as far as is reasonably practicable dust nuisance to neighbouring properties and road users.
2. The applicant to erect suitable and sufficient screening on the southern boundary to protect local residents from dust and noise nuisance and allow them the peaceful enjoyment of their land and property.
3. The applicant to institute a suitable and sufficient means of dust control of the site and the prevention and control of clay debris accumulation on the roads leading from the pit.

4.4 Dorset AONB Team

No objection to the application.

4.5 Flood Risk Management

No objection to the proposals to extend the established use / activity at this site, in terms of surface water management.

Both the EIA and supporting FRA are comprehensive in their discussion of the ongoing site management and proposed operations. Sections 3.3 and 3.4 of the main EIA document outline the Hydrogeological and Hydrological Settings (respectively), sections 5.3 and 5.4 the Surface Water Flow Regime and Flood Risk implications. Section 5.3 of the FRA document (Appendix 5 of the EIA) sets out a Surface Water Management Strategy that is acceptable and which is thought unlikely to generate any significant off-site adverse impacts. It therefore complies with the recommendations of the NPPF. On this basis we feel that specific planning conditions are unnecessary beyond compliance with the documents supplied (EIA/FRA).

4.6 Highway Liaison Engineer

No objection, subject to the previous conditions imposed at the site being carried forward.

4.7 Landscape Officer

There is a need for planting mitigation to help reduce adverse landscape and visual impacts. The planting mitigation should follow along the bank south of the proposed haulage road. After discussions with the ecologist the best type of planting mitigation recommended is occasional groups of *Salix cinera* (Grey Willow) along the bank. This species can be currently found growing on the site and will provide some natural screening (See WBC - 69 Phasing Plan Amended 05.06.2018 for location and specification). Provided that the above mitigation is adopted I have no landscape objection to the proposal.

4.8 Environment Agency

Have no objection subject to the informative notes on the following subjects being included on any permission granted

- The Environment Permitting in relation to Mine Waste
- Pollution Prevention During Construction

4.9 **Natural England**

Our concerns have now been satisfactorily addressed. In our view the proposal would not have a significant effect on the adjacent designated sites (SAC, SPA, Ramsar) or negatively affect the interests of Stoborough and Creech Heaths SSSI.

4.10 **Natural Environment Team (NET)**

No objections for the following reasons and provisos

- I am satisfied with the updated plan WBC-77Rev showing the revised overflow channel restoration, and I have reviewed Fig 10.1 forming part of the ecological information for the site.
- I also understand that the settlement lagoons in the east of the site will be restored after all extraction has taken place, and not as part of phase 1 of the restoration.
- the long term-management of the site will be secured via a s106 ensuring that the site is handed to/leased for a peppercorn rent to a conservation organisation.
- Final details of the restoration (building on those already within the Environmental Statement) will be secured via condition in a Landscape and Ecological Management Plan
- Control of invasive species such as rhododendron will be secured via a condition. I would also like to see rhododendron added to the list of invasive species mentioned in the ES, to ensure that the importance of controlling this species is recognised in all documentation relating to the site.

Provided all these issues can be agreed, I am satisfied that the application will not lead to adverse impact on the European sites, and that impacts on protected species and habitats will be avoided, while securing enhancements via the proposed restoration in line with NPPF.

5. **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.

The Development Plan

- 5.2 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 and Waste Local Plan (originally adopted April 1999) and the policies contained in the Purbeck Local Plan (adopted 2012). For waste development the relevant development plan includes the saved policies of the Bournemouth, Dorset and Poole Waste Local Plan (adopted June 2006). 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 DM8 - Transport and Minerals Development.
- Policy DM10 - Planning Obligations.

Dorset Minerals and Waste Local Plan (1999) (DM&WLP)

- Policy 6 (Relating to applications outside the Preferred Areas).

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 GP Groundwater.
- Policy GI Green Infrastructure, Recreation and Sports Facilities.

Emerging Local Plans

- 5.3 On 1 December 2017 the Minerals and Waste Planning Authority published the Mineral Sites Plan for pre-submission consultation. 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. This plan has been submitted for examination which was held at the end of September. The plan has therefore reached an advanced stage and provides the most up-to-date expression of policy intent.

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

There is no specific policy relevant for the Furzeyground in the Sites Plan. However, the text supports the continued supply of Ball Clay from existing sites and the Ball Clay policies within the Minerals strategy 2014.

5.4 **National Planning Policy**

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

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

Planning Practice Guidance (PPG) (March 2014)

- Minerals.
- Natural Environment.
- Noise.
- Water supply, wastewater and water quality.

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:
- the acceptability in principle of the proposed development;
 - whether there would be unacceptable adverse impacts, and whether these can be adequately mitigated or avoided to acceptable levels in accordance with policy requirements, in particular having regard to:
 - landscape character of the surrounding area including the AONB which the site lies within;
 - ecological impacts on the site, its surrounding area or the nearby Site of Special Scientific Interest (SSSI), Special area of Conservation (SAC), and Special Protection Area SPA;
 - amenity of the surrounding area;
 - Impact on the listed building;
 - highway implications;
 - the water regime in the surrounding area; and
 - climate change.

Principle of Development

- 6.2 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 states that an adequate and steady supply of all grades of Ball Clay shall be provided through the provision of 2.5 million tonnes over the plan period and from within the Ball Clay Consultation Area. The policy lists criteria in relation 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 minerals planning authorities should give great weight to the benefits of the mineral extraction (including to the economy). They 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 minerals 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 of the Bournemouth Dorset and Poole Minerals Strategy aims to ensure an adequate and steady supply of all grades of Ball Clay, a nationally important and rare mineral, throughout the plan period. This site would make a modest but important contribution towards this aim. The policy goes on to set out environmental criteria which need to be met (a more detailed assessment of these issues is considered in the subsequent paragraphs). As an established site it is relatively easy to assess and mitigate the range of environmental impacts required to make the site acceptable. In principle the proposal therefore complies with policy BC1.
- 6.6 Policy BC2 highlights the need to consider alternatives to road borne transport. The proposal to retain the haul road secures an important off-highway route for the other Ball Clay sites within the AONB is in conformity with this policy.
- 6.7 I consider that the principle of the development accords with national policies, the current development plan, and the emerging Mineral Sites Plan.

Impact on Landscape Character

- 6.8 Minerals Strategy Policy DM4 (Protection and Enhancement of Landscape Character and the Countryside), and Purbeck Local Plan Policy LHH (Landscape, Historic Environment & Heritage) seek to ensure development does not have an unacceptable impact upon landscape character. Paragraph 172 of the NPPF states that great weight should be given to conserving the landscape and scenic beauty of the AONB.
- 6.9 The Dorset AONB Management Plan places the application site within the lowland Heath Character Area and describes its key characteristic as *“a complex and diverse mosaic of open dry and wet heath and wooded scrubby heath. A range of land uses affect condition, with the fragile heaths under constant pressures. Remaining heathland patches, many of which are internationally important habitats, are fragmented by significant conifer plantations, with a variety of land uses including mineral extraction and planned farms”*.
- 6.10 The site is already an established feature in the landscape along with the haul route that runs through it. The proposal promotes two landscape mitigation measures:
- The rerouting of the haul road to the southern boundary would have the following benefits;

- The present location is more visually prominent as it can be seen from elevated viewpoints to the south, such as Creech Barrow.
- Locating the haul road close to the southern boundary of the pit means that it is screened from the distant views by the woodland that abuts the southern boundary of the pit.
- Realigning the haul road enables restoration works to take place without them being bisected by the haul road.
- Bringing forward the timescale of restoration within the phases of the eastern part of the site has significant landscape benefits. The time period within which the visual impact of the unrestored areas would be reduced. The proposal is for 10 restoration phases covering the whole site with restoration completed, bar the haul road, by 2031 rather than the 2042 date which is the current situation.

The AONB and DCC landscape officers are in support of this approach and landscape advice has been provided in liaison with the Natural Environment Team (NET).

6.11 Paragraph 172 of the National Planning Policy Framework 2018 (NPPF) states that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas...Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

Taking these three issues in turn;

- As detailed in paragraph 16:20 of the Minerals Strategy “Ball Clay has a high economic value and is recognised as nationally and internationally important”. In Dorset the company employs 31 people and in addition further work is provided by local contractors on a regular basis to support their Dorset operations. Their application states that Imerys’ contribution to the UK economy from its Dorset operations is in the region of £6 Million. There is therefore a clear need for Ball Clay, and the industry makes a significant contribution to the local economy.
- Minerals can only be dug where they are found. Ball clay only occurs within three deposits in the UK, two in Devon and in the Wareham basin in Dorset. The Ball Clay deposit in Dorset is not wholly within the AONB but the grades vary across the Wareham basin and the clays within the AONB have some unique properties that do not exist outside the AONB or within clays found in Devon. Therefore, as the Ball Clay deposits that occur within the Dorset AONB have properties not found in any other clays outside the Dorset AONB there is no scope to extract equivalent Ball Clay elsewhere within the UK.

- Paragraph 6.10 above explains site specific landscape issues and explains that the mitigation proposed has support of the DCC NET team, DCC landscape officers, as well as the AONB team. It is considered that these mitigation measures satisfy point C of Para 172 of the NPPF.

It is therefore considered that the proposal is not in conflict with the national guidance set out in the NPPF in relation to landscape as there are exceptional circumstances, and it is in the public interest to grant consent.

- 6.12 Taking the above into account it is considered that, in relation to landscape, the proposal is in conformity with national policy and policies BC1, and DM4 of the Minerals Strategy.

Impact on Ecological Interests

- 6.13 Minerals Strategy Policy DM5 (Biodiversity and geological interest) and Purbeck Local Plan Policy BIO (Biodiversity & Geodiversity) seek to protect designated habitats in accordance with their importance. DM5 also seeks enhancement to biodiversity where this is possible.
- 6.14 Both Natural England and the County Ecologist are satisfied that the proposal would not have a significant effect on the adjacent designated sites (SAC, SPA, Ramsar & SSSI). The main adverse ecological impacts, in relation to the development subject to these applications, would be as a result of delayed restoration at the western end of the site. It is considered that this delay would be offset by bringing forward the restoration of the eastern area which at present is not required to be completed until February 2042. However, about two thirds of the site boundary (NW, N, E & SE) is adjacent to internationally designated heathland (SAC/SPA/Ramsar). Within this heathland there are a variety of protected species. This includes the Southern Damselfly, which is a qualifying species of the SAC. The ecological advice is that to ensure the long-term security of the adjacent heathland it is essential that the application sites are managed in the long term beyond the end of the aftercare period. They also recommend that the management is undertaken by a recognised nature conservation body. The mechanism required to secure this is through a s106 obligation, the heads of terms of which are detailed in section 8.2 of this report.
- 6.15 In relation to the re-routing of the haul road, at present the road runs through the northern side of the site and through an area of SSSI overlap near the western boundary. Beyond the site's northern and western boundaries, the area is designated as part of the Dorset Heaths Special Area of Conservation (SAC) as well as being part of the Stoborough and Creech Heaths SSSI. Restoration of this part of the existing haul road and early restoration of the northern and western parts of the site would provide significant ecological benefits:
- a small area of SSSI, through which the haul road runs, would be restored;
 - the restoration would link directly into the adjacent designated heathland; and
 - as the haul road would be diverted to the southern boundary it would not fragment any newly restored areas (which would be the case if the road was not diverted).
- 6.16 Taking into account the above consultation responses it is considered that the proposal accords with the policy DM 5 of the minerals Strategy and policy BIO of the Purbeck Local Plan, subject to a suitable mechanism for securing nature conservation management of the restored site.

Impact on Amenity of the Surrounding Area

- 6.17 Minerals Strategy Policy DM2 (Managing Impacts on Amenity) seeks to protect the amenity of the surrounding area and specifically that of any nearby residential property. The proposals have the potential to impact on amenity principally through noise and dust associated with the haul road. This issue has been raised by Church Knowle Parish Council.
- 6.18 The NPPF provides guidance regarding appropriate noise levels for noise sensitive properties near to mineral sites. The guidance indicates that levels of 10dB(A)1hr above background L90 levels would normally be acceptable between 0700 and 2200 hours. The daytime background level measured at the nearest property in Cotness (Perywinkles), is in the region of 33.3 LA90. A noise limit of 43dBLAeq1hr during operational hours would be in accordance with the NPPF guidance. The predicted noise level from the haul road has been calculated at approximately 41dBLAeq1hr. The current noise limit is 42dBLAeq1hr. It is considered appropriate to maintain this noise limit for normal operations. There is also a recognition that at mineral sites there may be short term activities including those associated with site preparation where this level may be exceeded temporarily. A separate limit is recommended for temporary operations at the site which in this case would be restoration works. There is another noise-sensitive property adjacent to Cotness Rd located 30m west of the site entrance. This residential property, 'The Bungalow', is owned by the applicant and is let on a temporary basis. It is proposed that the same noise limit be applied to this property which is closer to the remaining extraction area. However, the condition is proposed to be worded to only take effect when the property is in occupation.
- 6.19 The applicant's noise analysis demonstrates that the predicted noise levels from the proposed haul road diversion or the extraction of the remaining mineral at the site, is unlikely to impact on the amenity of the nearby properties in Cotness to a significant degree. It is considered that the proposed noise conditions ensure that the amenity of nearby properties is protected and overcome the concerns expressed by the Parish Council.
- 6.20 Dust is not considered to be a significant concern. The diverted haul road is over 100m from the nearest residential dwelling in Cotness. However, the orchard area of the garden adjoins the site boundary. The revised environmental monitoring scheme, which includes measures for the suppression of dust, adequately addresses this issue. A condition that requires these measures to continue would be sufficient to ensure that the nearest dwellings and associated land are adequately protected. Metalled surfacing, requested by the Parish Council, is not considered to be necessary in this instance provided that dust suppression measures are conditioned to ensure that the amenity of nearby properties is protected.
- 6.21 The proposal includes surfacing of the new access road between the public highway and the weighbridge and installation of a wheel wash. Therefore, dust prevention measures contained within this proposal are sufficient to avoid any unacceptable impacts.
- 6.22 I am satisfied that, subject to the proposed conditions set out at the end of this report, the proposal should not result in any unacceptable adverse impact on

the amenities of residents and the development is in conformity with the policies set out above.

Impact on the listed building

- 6.23 The property 'Perywinkles' is grade II listed and is located 100m from the edge of the site. Minerals Strategy Policy DM7 (The Historic Environment), and Purbeck Local Plan Policy LHH (Landscape, Historic and Environment & Heritage) seek to ensure that adverse impacts to heritage assets are avoided or mitigated to an acceptable level. There is also a statutory duty to have special regard to the preservation of listed buildings and their settings. Given the distance and the intervening topography and woodland it is not considered that there is any impact on the setting of the listed building. No concern has been raised by consultees or neighbours in relation to the impact on the building or its setting., In the light of this, the proposal is considered to comply with the policy framework set out above.

Highway Considerations

- 6.24 Minerals Strategy Policy DM8 (Transport and Minerals Development), and Purbeck Local Plan Policy IAT (Improving Accessibility and Transport) all seek to ensure that the traffic associated with a development can be safely absorbed into the local road network. Ball Clay also has a specific transport policy in the Minerals Strategy (Policy BC2) and this requires the operator to use alternative means of transport other than road borne where practical to do so.
- 6.25 The current application would not involve any change to the number of vehicles that would be using the road network or the site access onto the public highway. It also ensures that the off-highway haul road that links the large pits at Povington and Dorey's to the processing works at Furzebrook would continue to be available for lorries, thereby enabling the operator to divert vehicles from the public highway where they are able to use the haul road as an alternative.
- 6.26 The proposal is considered to be in accordance with the policies set above and the retention of the haul road is considered to be beneficial not only in relation to the surrounding highway networks but also to the overall amenity of the area.

Hydrological Issues

- 6.28 Minerals Strategy Policy DM3 (Managing Impacts on Surface Water and Ground Water Resources), and Purbeck Local Plan Policy GP (Groundwater Protection) seek to ensure that development does not impact adversely upon groundwater or give rise to potential contamination of groundwater supplies.
- 6.29 The EIA includes assessments of the ground water, surface water and flood risk. It concludes that the proposal would have no significant impact on the hydrological regimes. In summary it found that:
- As the site would be worked totally within the clay strata, there would be no significant impact on groundwater flows. This is particularly important in relation to the wet heathland that is down the hydro-gradient from the site.
 - Surface water will continue to be discharged to the pond to the north of the site. The revised restoration scheme would have no significant difference on the surface water flows to the pond and onward surface flows to the downstream designated wet heathland areas.
 - The site is within the lowest risk flood zone 1 and as the surface and

groundwater flows are not impacted there is no increase to the flood risk as a result of the development.

- 6.30 The Flood Risk Management team has raised no objection to the proposal. Having regard to all relevant considerations I am therefore satisfied that the proposal is in accordance with the Policy framework set out in Paragraph 6.28 above.

Impact on Climate Change

- 6.31 Policy CC1 of the Minerals Strategy requires that the applicant assesses how climate change mitigation and adaptation measures have been incorporated into the proposal. The proposal includes the retention of the off-highway haul road. Imerys estimate that, with the haul road in the current location, there would be a reduction 324 tonnes of CO₂ emissions over the life of the current operations. By moving the haul road to the southern boundary an additional 13.6 tonnes of emissions would be saved.
- 6.32 The proposal therefore complies with Policy CC1 (Climate Change) of the Minerals Strategy.

Conclusion

- 6.33 As set out in sections 6.1 - 6.33 of the report the proposed development complies with both National and Development Plan policies. Ball Clay is a nationally important Mineral that, within the UK, only occurs in Devon and Dorset. Its continued supply is important to both the local and national economies. However, its importance has to be weighed against any harm the development could cause in this sensitive environment in the AONB and adjacent to internationally designated heathland areas.
- 6.34 Subject to the conditions set out in this report, and securing a s106 agreement consistent with the heads of terms detailed in section 8.2, it is considered that proposed package of mitigation is sufficient to outweigh any potential harm from the delay to the restoration of the site as a result of the granting of these consents.

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 That the Mineral Planning Authority resolves to grant planning permissions 6/2017/0685 and 6/2017/0687, subject to the conditions set out in the condition schedules found in 8.3 and 8.4 and the heads of terms of the legal agreement set out in section 8.2 below.
- 8.2 To mitigate against and compensate for the delay in restoration of the site, as detailed in paragraph 6.14 of this report the applicant has agreed to enter into a legal undertaking that would secure the long-term management of the site in accordance with the following Heads of Terms:

The applicant shall secure the long-term management of the restored site following the aftercare period in accordance with a wildlife management plan submitted prior to the end of extraction. After the site has been restored, and before the end of the aftercare period, the applicant shall use its best endeavours to transfer the restored site to a recognised nature conservation body approved by Natural England or the Local Authority.

8.3 SCHEDULE OF CONDITIONS for 6/2017/0732

Duration & Restoration

- 1 No clay extraction shall take place at the site after 31 December 2030. The site shall be progressively reclaimed in accordance with the terms and conditions of this permission and, apart from the off highway haul road, shall be restored to a state suitable for nature conservation by 30 September 2031 or within 12 months of the permanent cessation of extraction operations hereby approved, whichever is the earlier. Restoration shall be in accordance with the details set out in section 8 (Landscape and restoration) of the Environmental Statement dated November 2017.

Reason

To minimise the duration or disturbance from the development hereby permitted to protect the Amenity of nearby residents and the AONB, and having regard to policies DM1, DM2, and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy 2014 (BD&PMS).

Haul Road

- 2 The haul road shall only be used for purposes in connection with the local Ball Clay operations and principally for the transportation of clay from nearby extraction operations to the process works at Furzebrook. Unless otherwise consented the use of the haul road for puposes in conection with the Ball clay operations shall cease by the 22 February 2042. The haul road shall then be restored to a condition suitable for access in relation to the mangement of the land for nature conservation purposes.

Reason

To minimise the duration or disturbance from the development hereby permitted given the location within the AONB, and having regard to policies DM1, DM2, DM4, DM5 and RS1 of the BD&PMS.

Approved plans and details

- 3 Unless otherwise approved in writing by the Mineral Planning Authority, or required

by these conditions, the working and restoration of the site shall be carried out in accordance the submitted Environmental Statement dated November 2017 as amended; including the following plans:

Application Area	WBC/65	Dated 30 Aug 16
Site Plan	WBC/66	Dated 26 Oct 17
Phasing Plan	WBC/69 Rev 1	Dated 03 Jul 18
Final Landform	WBC/70	Dated 22 Feb 17
Final Restoration	WBC/75	Dated 26 Oct 17
Restoration Phasing	WBC/77 Rev 1	Dated 8 Mar 18

Reason

To enable the Mineral Planning Authority to adequately control the development and to minimise its impact on the environment and amenities of the local area and AONB and having regard to policies DM1, DM2, DM4, DM5 and RS1 of the BD&PMS.

Hours of Working

4 Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has approved otherwise in writing:-

(a) No operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours and 18:00 hours Monday to Friday; and
07:00 hours and 13:00 hours Saturdays;

(b) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.

Reason

To protect the amenities of local residents and the tranquillity of the AONB and having regard to policies DM1, and DM2, of the BD&PMS.

Vehicle Cleaning

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

Reason

In the interests of highway safety and to prevent mud and dust being carried onto the highway and having regard to policies DM1, DM2, and DM8 of the BD&PMS..

Noise

6 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.

Reason

To minimise the adverse impact of noise generated by the operations on the local community and the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Limits

- 7 During the working hours, as defined by condition 4, the noise levels at the Bungalow, Periwinkles, 3 Cotness and Cotness Farm arising from the development hereby permitted shall not exceed:

62dB (LAeq)(1hour) freefield during soil stripping, overburden, site restoration and screening mound construction and removal operations for a maximum of 8 weeks in any calendar year.. At all other times noise arising from the development shall not exceed 42dB(A) LAeq,1hr (free field) at the above properties.

Reason

To protect the amenities of local residents and the tranquillity of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Monitoring

- 8 Noise monitoring shall be undertaken in accordance with the details supplied by Imerys Minerals Limited in the Environmental Monitoring scheme, Sections 2 and 3, Dated September 2018.

Reason

To protect the amenity of local residents and the tranquillity of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Suppression Measures

- 9 The noise suppression measures, submitted by Imerys Minerals Ltd and detailed in Section 4 of the Environmental Monitoring scheme, September 2018, shall be adopted at all times. These approved arrangements, shall be implemented and maintained throughout the duration of the operations.

Reason

To protect the amenity of local residents and the tranquillity of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Fuel storage and Pollution control

- 10 No fuel or lubricants shall be stored within the application site until and unless the design and arrangement of any fuel and oil storage facilities have been submitted to, and approved in writing by, the Mineral Planning Authority. Any such storage shall thereafter be carried out in accordance with the agreed details.

Reason

To minimise the risk of pollution of watercourses, aquifers and the adjacent areas designated for nature conservation and having regard to policies DM1, and DM3, of the BD&PMS.

Maintenance of Planting

- 11 All planting undertaken in accordance with condition 20 of this permission shall be maintained and any plants which, at any time during the development and within the aftercare period (in excess of the % loss allowed for in the planting scheme) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

In the interests of the amenity of the local area and AONB and to ensure the development is adequately screened and having regard to policies DM1, DM2,

DM4, and DM5 of the BD&PMS.

Site Maintenance

- 12 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], as far as reasonably practicable.

Reason

To prevent a build up of harmful weed seeds in soils that are being or will be used for restoration purposes and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Soil Stripping

- 13 Unless otherwise approved in writing by the Mineral planning Authority, topsoil and subsoil shall only be handled when they are sufficiently dry and friable so as to avoid excessive damage to the soil structure. Soil movements shall only occur during the months of May until September inclusive.

Reason

To prevent damage to soils and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Aftercare

- 14 On completion of restoration, each phase of the site shall be subject to aftercare for 10 years in accordance with the Aftercare Scheme, submitted by Imerys Minerals Ltd, dated September 2018. The aftercare scheme shall be implemented on the completion of each phase of restoration and undertaken for 10 years over the area of each completed phase. Once the aftercare period has been completed for any phase that phase shall be managed in accordance with a management plan to be submitted to and approved in writing by the Minerals Planning Authority until the end of the aftercare period of the last restoration phase or until the haul road ceases to be used, whichever the later.

Reason

To ensure the restoration promotes a habitat conducive to nature conservation and biodiversity and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Restriction of Permitted Development Rights

- 15 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as may be amended), no fixed plant or machinery, buildings, structures, erections or private ways shall be installed, built or established without the approval in writing of the MPA.

Reason

To protect the amenities of the area and the AONB and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Dust

- 16 The Dust suppression measures, submitted by Imerys Minerals Ltd and detailed in Sections 6 & 7 of the Environmental Monitoring scheme, Dated September 2018, shall be adopted at all times. The arrangements that are approved shall be implemented and maintained throughout the duration of the operations.

Reason

To protect the amenities of the locality, for residents, visitors to the area and adjacent areas designated for nature conservation, from the effects of any dust arising from the development and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Protection and rescue of protected species

17 No works shall take place on the site except in accordance with schedule 8 of the Wildlife and Countryside Act 1981 (as amended).

Reason

To ensure protected species are saved and moved to appropriate alternative habitats and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Access to the public highway

18 Unless otherwise approved in writing by the MPA, no HGV movements involved with carrying clay in connection with the development hereby approved to Furzebrook Works shall enter or leave the public highway except via the private way to the east of the application site to Furzebrook Road.

Reason

To protect the amenities of local residents and having regard to policies DM1, DM2, and DM8 of the BD&PMS.

Protection of the existing tree screen

19 No trees shall be felled or removed within the area between the south-south east boundary of the site and the public road to the south of the site unless otherwise agreed in writing by the MPA.

Reason

To protect the amenities of local properties at Cotness and of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Southern Screening Bund

20 The Southern Screening Bund shown on plan WBC/69 Rev1, dated 3 Jul 18, shall be retained, planted, and managed in accordance with the details shown in the plan key under "Advance Planting" for the duration of the use of the haul road that runs through the site.

Reason

To protect the amenities of local properties at Cotness and of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Early Restoration

21 In the event that the restoration of the site is required, without the full extraction of the mineral reserve, revised restoration proposals shall be submitted to the MPA within 3 months of the permanent cessation of mineral extraction operations. The revised restoration proposals should include:

- Revised restoration landform plan
- Revised drainage plan including any water bodies and wetland restoration areas
- Revised planting and seeding proposals

Once approved in writing by the MPA the scheme shall be implemented in full within 12 months of the approval, unless otherwise approved in writing by the MPA.

Environmental Complaints Procedure

22 Any Complaints received in relation to noise and dust issues at the site shall be addressed in accordance with the complaints procedure set out in section 7 of the environmental monitoring scheme dated September 2018.

Reason

To protect the amenities of the locality, for residents, visitors to the area and adjacent areas designated for nature conservation, from the effects of any noise or dust arising from the development and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Informative Notes

The applicant should be aware of their responsibilities to ensure that the operations on site do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste

Activity on this site may be covered 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 or review the information contained:

<https://www.gov.uk/government/publications/environmental-permitting-guidance-the-mining-waste-directive>

Statement of Positive Involvement

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as the Mineral 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:

- updating the applicant's agent of issues as they arose in the processing of the application;
- discussing possible solutions to material concerns raised; and
- providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

Further details including application documents and Planning Officers report can be viewed at www.dorsetforyou.com/ePlanning/searchPageLoad.do

8.4 SCHEDULE OF CONDITIONS FOR 6/2018/0388

Duration & Restoration

- 1 No clay extraction shall take place at the site after 31 December 2030. The site shall be progressively reclaimed in accordance with the terms and conditions of this permission and, apart from the off highway haul road, shall be restored to a state suitable for nature conservation by 30 September 2031 or within 12 months of the permanent cessation of extraction operations hereby approved whichever is the earlier. Restoration shall be in accordance with the details set out in section 8 (Landscape and restoration) of the Environmental Statement dated November 2017.

Reason

To minimise the duration or disturbance from the development hereby permitted to protect the Amenity of nearby residents and the AONB, and having regard to policies DM1, DM2, and DM4 of the Bournemouth, Dorset and Poole Minerals Strategy 2014 (BD&PMS).

Haul Road

- 2 The haul road shall only be used for purposes in connection with the local Ball Clay operations and principally for the transportation of clay from nearby extraction operations to the process works at Furzebrook. Unless otherwise consented the use of the haul road for puposes in conection with the Ball clay operations shall cease by the 22 February 2042. The haul road shall then be restored to a condition suitable for access in relation to the mangement of the land for nature conservation purposes.

Reason

To minimise the duration or disturbance from the development hereby permitted given the location within the AONB, and having regard to policies DM1, DM2, DM4, DM5 and RS1 of the BD&PMS.

Approved plans and details

- 3 Unless otherwise approved in writing by the Mineral Planning Authority, or required by these conditions, the working and restoration of the site shall be carried out in accordance the submitted Environmental Statement dated November 2017 as amended; including the following plans:

Site Plan	WBC/90	Dated 10 Jul 18
Phasing Plan	WBC/69 Rev 1	Dated 03 Jul 18
Restoration Phasing Plan	WBC/91	Dated 10 Jul 18
Final Landform	WBC/70	Dated 22 Feb 17
Final Restoration	WBC/75	Dated 31 Jul 17

Reason

To enable the Mineral Planning Authority to adequately control the development and to minimise its impact on the environment and amenities of the local area and AONB and having regard to policies DM1, DM2, DM4, DM5 and RS1 of the BD&PMS.

Hours of Working

- 4 Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has approved otherwise in writing:-

(a) No operations, other than water pumping, servicing, environmental monitoring, maintenance and testing of plant shall be carried out at the site except between the following times:-

07:00 hours and 18:00 hours Monday to Friday; and
07:00 hours and 13:00 hours Saturdays;

(b) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.

Reason

To protect the amenities of local residents and the tranquillity of the AONB and having regard to policies DM1, and DM2, of the BD&PMS.

Vehicle Cleaning

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

Reason

In the interests of highway safety and to prevent mud and dust being carried onto the highway and having regard to policies DM1, DM2, and DM8 of the BD&PMS..

Noise

6 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.

Reason

To minimise the adverse impact of noise generated by the operations on the local community and the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Limits

7 During the working hours, as defined by condition 4, the noise levels at the Bungalow, Periwinkles, 3 Cotness and Cotness Farm arising from the development hereby permitted shall not exceed:

62dB (LAeq)(1hour) freefield during soil stripping, overburden, site restoration and screening mound construction and removal operations for a maximum of 8 weeks in any calendar year.

At all other times noise arising from the development shall not exceed 42dB(A) LAeq,1hr (free field) at the above properties.

Reason

To protect the amenities of local residents and the tranquillity of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Monitoring

8 Noise monitoring shall be undertaken in accordance with the details supplied by Imerys Minerals Limited in the Environmental Monitoring scheme, Sections 2 and 3, Dated September 2018

Reason

To protect the amenity of local residents and the tranquillity of the AONB and

having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Noise Suppression Measures

- 9 The noise suppression measures, submitted by Imerys Minerals Ltd and detailed in Section 4 of the Environmental Monitoring scheme, September 2018, shall be adopted at all times. These approved arrangements, shall be implemented and maintained throughout the duration of the operations.

Reason

To protect the amenity of local residents and the tranquillity of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Fuel storage and Pollution control

- 10 No fuel or lubricants shall be stored within the application site until and unless the design and arrangement of any fuel and oil storage facilities have been submitted to, and approved in writing by, the Mineral Planning Authority. Any such storage shall thereafter be carried out in accordance with the agreed details.

Reason

To minimise the risk of pollution of watercourses, aquifers and the adjacent areas designated for nature conservation and having regard to policies DM1, and DM3, of the BD&PMS.

Maintenance of Planting

- 11 All planting undertaken in accordance with condition 20 of this permission shall be maintained and any plants which, at any time during the development and within the aftercare period (in excess of the % loss allowed for in the planting scheme) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

Reason

In the interests of the amenity of the local area and AONB and to ensure the development is adequately screened and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Site Maintenance

- 12 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], as far as reasonably practicable.

Reason

To prevent a build up of harmful weed seeds in soils that are being or will be used for restoration purposes and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Soil Stripping

- 13 Unless otherwise approved in writing by the Mineral planning Authority, topsoil and subsoil shall only be handled when they are sufficiently dry and friable so as to avoid excessive damage to the soil structure. Soil movements shall only occur during the months of May until September inclusive.

Reason

To prevent damage to soils and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Aftercare

- 14 On completion of restoration, each phase of the site shall be subject to aftercare for 10 years in accordance with the Aftercare Scheme, submitted by Imerys Minerals Ltd, dated September 2018. The aftercare scheme shall be implemented on the completion of each phase of restoration and undertaken for 10 years over the area of each completed phase. Once the aftercare period has been completed for any phase that phase shall be managed in accordance with a management plan to be submitted to and approved in writing by the Minerals Planning Authority until the end of the aftercare period of the last restoration phase or until the haul road ceases to be used, whichever the later.

Reason

To ensure the restoration promotes a habitat conducive to nature conservation and biodiversity and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Restriction of Permitted Development Rights

- 15 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as may be amended), no fixed plant or machinery, buildings, structures, erections or private ways shall be installed, built or established without the approval in writing of the MPA.

Reason

To protect the amenities of the area and the AONB and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Dust

- 16 The Dust suppression measures, submitted by Imerys Minerals Ltd and detailed in Sections 6 & 7 of the Environmental Monitoring scheme, Dated September 2018, shall be adopted at all times. The arrangements that are approved shall be implemented and maintained throughout the duration of the operations..

Reason

To protect the amenities of the locality, for residents, visitors to the area and adjacent areas designated for nature conservation, from the effects of any dust arising from the development and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Protection and rescue of protected species

- 17 No works shall take place on the site except in accordance with schedule 8 of the Wildlife and Countryside Act 1981 (as amended).

Reason

To ensure protected species are saved and moved to appropriate alternative habitats and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Access to the public highway

- 18 Unless otherwise approved in writing by the MPA, no HGV movements involved with carrying clay in connection with the development hereby approved to Furzebrook Works shall enter or leave the public highway except via the private way to the east of the application site to Furzebrook Road.

Reason

To protect the amenities of local residents and having regard to policies DM1, DM2,

and DM8 of the BD&PMS.

Protection of the existing tree screen

- 19 No trees shall be felled or removed within the area between the south-south-east boundary of the site and the public road to the south of the site unless otherwise agreed in writing by the MPA.

Reason

To protect the amenities of local properties at Cotness and of the AONB and having regard to policies DM1, DM2, and DM4, of the BD&PMS.

Southern Screening Bund

- 20 The Southern Screening Bund shown on plan WBC/69 Rev1, dated 3 Jul 18, shall be retained, planted, and managed in accordance with the details shown in the plan key under "Advance Planting" for the duration of the use of the haul road that runs through the site.

Reason

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Early Restoration

- 21 In the event that the restoration of the site is required, without the full extraction of the mineral reserve, revised restoration proposals shall be submitted to the MPA within 3 months of the permanent cessation of mineral extraction operations. The revised restoration proposals should include:

- Revised restoration landform plan
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- Revised planting and seeding proposals

Once approved in writing by the MPA the scheme shall be implemented in full within 12 months of the approval, unless otherwise approved in writing by the MPA.

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Reason

To protect the amenities of the locality, for residents, visitors to the area and adjacent areas designated for nature conservation, from the effects of any noise or dust arising from the development and having regard to policies DM1, DM2, DM4, and DM5 of the BD&PMS.

Informative Notes

The applicant should be aware of their responsibilities to ensure that the operations on site do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the

risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

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Waste

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Statement of Positive Involvement

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset County Council, as the Mineral 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:

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- providing the applicant with the opportunity to address issues so that a positive recommendation to grant permission could be given.

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