

## Strategic and Technical Planning Committee Report

<b>Application number:</b>	6/2020/0321
<b>Webpage:</b>	<a href="http://dorsetforyou.com">Planning application: 6/2020/0321_1 - dorsetforyou.com</a> ( <a href="http://dorsetcouncil.gov.uk">dorsetcouncil.gov.uk</a> )
<b>Site address:</b>	Swanworth Quarry, Kingston Lane, Worth Matravers, Swanage BH19 3LE
<b>Proposal:</b>	The winning and working of limestone through the lateral extension to Swanworth Quarry, retention of processing plant and existing infrastructure, importation of inert waste material for restoration purposes, and continued production and sale of recycled aggregates.
<b>Applicant name:</b>	Mr Simon Clabburn, Suttle Stone Quarries
<b>Case Officer:</b>	Suzi Coyne
<b>Ward Member:</b>	Cllr Cherry Brooks

- 1. Summary of Recommendation:** GRANT of planning permission 6/2020/0321 subject to conditions and completion of a Section 106 agreement.
- 2. Reasons for the Recommendation:**
  - The proposal is for an extension to an existing and established quarry; the proposed extension is an allocated site in the Bournemouth, Christchurch, Poole and Dorset Minerals Sites Plan 2019.
  - The proposed continued aggregate recycling and import of inert waste for restoration purposes would provide for sustainable reuse of existing resources in support of improved circularity of materials and implementation of the waste hierarchy.
  - Due to the scale, extent and duration of the proposed development, there would be some harm to the special qualities of the AONB. However, the development would ensure an adequate and steady supply of aggregate and waste management provision in a suitably sustainable manner to meet local needs and would provide valuable support to the local economy as a source of stable employment and in influencing local supply chains. In addition, off-site environmental enhancements, provided through financial contributions, are proposed in order to offset the detrimental

effects on the landscape, visual amenity and recreational opportunities. Taking all these benefits into account and having given great weight to the purpose of conserving and enhancing the natural beauty of the AONB it is considered that there are exceptional circumstances to justify the proposed development and that it would be in the public interest.

- The scheme would entail suitable mitigation and compensation measures to ensure that local biodiversity interest is conserved and enhanced.
- It is considered that there would not be any significant harm to residential or local amenity.
- There would be no harm to the local water environment, subject to a Grampian condition precluding the commencement of the development until certain off-site works are implemented to safeguard against a risk to the quality of local drinking water supplies due to the infill proposals.
- The proposal would be acceptable in terms of its effects on the local highway network.
- The application scheme would not have any adverse effects on the heritage environment.
- The restoration, aftercare, and after-use provisions of the proposal provide for a timely and appropriate reinstatement of the site in accordance with local resources and context.
- There are no material considerations that would warrant refusal of the application.

### 3. Key Planning Issues

Issue	Conclusion
Principle of Development	<p>The proposal is for the winning and working of 2.4 million tonnes of limestone from a new extension area to Swanworth Quarry with importation of inert waste material (of up to 75,000 tonnes per year) for restoration of the void space to original levels.</p> <p>A new bridge would be constructed across a coombe (and the Purbeck Way) for access to the extension area, and the existing quarry infrastructure would continue to be used.</p> <p>Part of the existing quarry would also be used for continued aggregate recycling from imported waste materials (at a rate of up to 30,000 tonnes per year) and for stockpiling of overburden and soils stripped from the extension area.</p> <p>The proposal is to extract the mineral at a rate of up to 125,000 tonnes per year over a 20-year</p>

	<p>period followed by a 7-year period for restoration of the extension and the existing quarry.</p> <p>The proposed extension area is a site allocation (Policy MS-3) for the supply of crushed rock in the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019. The site allocation development guidelines of the Plan have been addressed to the satisfaction of the planning authority taking into account mitigation measures and proposed conditions, and the development proposal is considered to meet the requirements of other relevant Development Plan policies in relation to aggregate recycling and use of inert waste for restoration purposes.</p>
<p>Major development in the AONB and the impact on landscape character, visual amenity, and recreational resources</p>	<p>The application site is within the Dorset AONB and the Purbeck Heritage Coast and it just over 1 kilometre from the Jurassic Coast World Heritage Site, to which the Purbeck Way that runs through the site provides a gateway. Great weight needs to be given to conserving and enhancing the special character of these areas.</p> <p>The proposal incorporates mitigation measures, but these are not sufficient to fully address the impacts on the designated areas. Compensatory environmental enhancements are therefore proposed to offset the residual harm to landscape character, visual amenity and recreational resources that would occur.</p> <p>With these measures in place, in combination with the benefits to the local economy of a sustainable supply of aggregate and waste management capacity to meet local needs and source of stable employment, it is considered that the development is in the public interest and should exceptionally be permitted in the AONB.</p>
<p>Biodiversity interest</p>	<p>The development proposal incorporates significant ecological mitigation and compensation measures to be secured through a planning obligation and conditions. As such there would be no significant negative impacts on important biodiversity receptors and over time the proposals would lead to enhancement of the local</p>

	<p>ecological network and provide biodiversity net gain.</p> <p>A Habitats Assessment has concluded that the potential effects of the development would not be so significant as to be likely to affect adversely the integrity of local European or Ramsar Sites, either alone or in combination with other projects.</p>
Local amenity and quality of life	<p>In light of proposed industry best practice controls, mitigation measures, and planning conditions it is considered that any detrimental effect on local amenity through noise, vibration, dust or pollutants would be either suitably moderated or minimised to an acceptable level.</p>
Public rights of way	<p>A planning obligation, to make the proposed new footpaths within the existing quarry available for access by members of the public for the duration of the proposed period of long-term management of the restored site, would compensate for the negative effects of the delay in their implementation as a result of the application proposal.</p> <p>As for the existing rights of way affected by the proposals, the application scheme would ensure that the safe free passage of the public would remain open, and the residual impact on the Purbeck Way would be moderated through the proposed funding of compensatory environmental enhancement measures.</p>
The water environment	<p>The proposal demonstrates that the development would not lead to any increased flood risk, though a Grampian condition would be necessary to preclude commencement of any development until a series of off-site works and an abstraction licence variation have been secured to safeguard against a risk to the quality of local potable water supplies due to the infill proposals.</p>
Highway safety	<p>The site access is of an appropriate standard and given that the proposal is not for any increase in vehicle movements, but a continuation of existing levels, it would be acceptable in the context of the safety, efficiency and quality of the local</p>

	highway network, and local residential and environmental amenity.
The heritage environment	The proposed development would not cause any harm to the significance of designated heritage assets, and subject to conditions to secure further investigation would meet the tests for conserving archaeological interest.
Restoration, aftercare and after use of the site	<p>The restoration proposals involve reinstatement of the site to original levels to conserve the strong landscape and historic character of the area, and safeguards would be put in place to ensure that these objectives are achieved.</p> <p>The proposed after use is predominantly for nature conservation with enhancement to the existing rights of way network and there would be long term management of the site and adjoining land, all in accordance with the restoration vision for the site allocation.</p>

#### 4. Site Description

- 4.1 The application site covers some 51 hectares (ha) of land within the Dorset Area of Outstanding Natural Beauty (AONB) and the Purbeck Heritage Coast (awarded the European Diploma for Protected Areas (EDPA)), about 2 kilometres (km) south of Corfe Castle, and just over 1 kilometre northeast (at its nearest point) of the Dorset and East Devon Coast (Jurassic Coast) World Heritage Site. It comprises the existing roughly triangular shaped Swanworth Quarry (37 ha) and a broadly rectangular north westerly extension area (14 ha) which is currently mainly in agricultural use. The existing quarry and proposed extension area are separated by Coombe Bottom; a narrow, dry valley bordering the north western boundary of the existing quarry and through which the Purbeck Way runs on its route between Corfe Castle and the coast at Chapman's Pool.
- 4.2 The entrance to Swanworth Quarry is about 460 metres (m) south of the B3069 on the western side of Kingston Lane that leads to Worth Matravers about 900 m to the south. Approximately 150 m along the tarmac quarry entrance road to the south west there is a weighbridge, offices and car parking area. The entrance road then continues south westwards to the processing plant, stock yard, maintenance, and lorry park area.
- 4.3 The remaining area of the existing quarry can be divided into three different sections. The south western section has already been restored and is undergoing management as calcareous grassland. The south eastern section

is in the process of being restored with quarry waste and imported waste materials. The north eastern section is the remaining area of mineral reserves where benched working has progressed down to about 78 metres Above Ordnance Datum (m AOD). Aggregate recycling operations are permitted within the central area of the quarry including the processing plant, stock yard and maintenance area and part of the south eastern section.

- 4.4 Land levels surrounding the existing quarry rise from about 110 m AOD at the quarry entrance to 126 m AOD along the eastern boundary before falling again to 110 m AOD in the south. Along the south western and north western boundaries levels then drop down to 78 m AOD at the point where Hill Bottom (Coombe) to the west converges with Coombe Bottom.
- 4.5 The extension area comprises a section of Coombe Bottom and the adjoining valley side before widening out to occupy parts of three adjacent arable fields separated by dry stone walls. The topography of the extension area is that it slopes generally from 134 m AOD in the northwest down to 116 m AOD to the south before dropping into the base of Coombe Bottom at about 88 m AOD at this point.
- 4.6 There are areas of woodland and scrub adjoining the southern, south western and north western boundaries of the existing quarry extending along the coombe valley sides to the north and south west, and hedgerow lines the eastern boundary of the extension area. Beyond this the general nature of the landscape is one of open fields.
- 4.7 The Isle of Portland to Studland Cliffs Special Area of Conservation (SAC) and South Dorset Coast Site of Special Scientific Interest (SSSI) adjoin the western boundary of the application site (existing quarry). This designation is for its importance for geological, and species-rich calcareous grassland, scrub and woodland interest. In addition, there are a number of other statutorily protected sites within the local area. The St Albans Head to Durlston Head SAC (internationally important species-rich calcareous grassland and scrub) lies 1km to the south east. The Dorset Heathlands Ramsar (wetland of international importance), Dorset Heaths SAC (internationally significant heathland), and Corfe Common SSSI (common land with great botanical interest) are about 1.3 km to the north, and Blashenwell Farm Pit SSSI (geological interest) about 1.5 km to the north west.
- 4.8 The closest sensitive properties to the application site are Larkshill Cottage and Kingston Country Courtyard Hotel which is a grade II listed building (Kingston Barns) about 270 m to the north, Afflington Lookout Barn dwellings about 350 m to the east, Compact Farm about 360 m to the east, and Renscombe Farm about 500 m to the south west.

- 4.9 The next nearest listed buildings are within the Conservation Area at Worth Matravers about 400 m to the south of the existing quarry, and the Kingston Conservation Area is about 600 m to the north west. There are also a number of Scheduled Monuments nearby, including 4 tumuli (bowl barrows) in adjacent fields to the north and south west at distances of between about 100 - 200 m of the application site, and Kingston Down Romano-British Farm about 550 m to the south west. The Encombe Grade II\* Registered Park and Garden lies about 640 m to the west at its closest point.
- 4.10 With regard to local Public Rights of Way, in addition to the Purbeck Way (Bridleway SE29/19) which runs within the section of Coombe Bottom adjacent to the southern part of the proposed extension area and then through the application site, public footpath SE29/20 skirts the western boundary of the existing quarry (running through the application site area but beyond the extent of mineral extraction) connecting to Worth Matravers to the south east.

## **5. The Proposal**

- 5.1 The application proposal is for the winning and working of a further 2.4 million tonnes (mt) of limestone reserves from land to the north west of - and as an extension to - the existing Swanworth Quarry. The mineral resource would be capable of producing a range of construction materials, including various sizes and type of aggregate, gabion stone, rock armour, rockery stone, dimension and building stone, and agricultural lime.
- 5.2 The mineral would be worked at a rate of approximately 125,000 tonnes per annum (tpa) and the void space would be backfilled to original land levels with quarry waste and imported inert waste materials (at a rate of up to 75,000 tpa). The existing quarry plant site would be used for processing and stockpiling the mineral reserves and for continued aggregate recycling operations at a continued throughput rate of up to 30,000 tpa. The existing approved area for aggregate recycling would be reduced to exclude parts of the existing quarry that are to be restored shortly. There would be no processing of stone in the extension area.
- 5.3 Access to the extension area would be via the existing quarry with a new bridge spanning the intervening coombe. Installation of the new crossing pointed is expected to take up to 29 weeks to complete. The bridge would be constructed of a 25-metre-long reinforced concrete deck on top of steel beams on piled foundations with facing of stone filled gabions either side of the coombe. The bottom of the bridge deck would be about 5 m above the base of the coombe through which the Purbeck Way and a small seasonal stream run. Both sides of the bridge would have 3.4 m high acoustic wooden fencing. There would be cuttings through both valley sides either end of the bridge so that vehicles would travel below adjoining ground levels.

- 5.4 On the existing quarry side, the material excavated for the cutting is expected to be partly man-made having been constructed by previous operators many years ago. The access cutting on the extension side, which together with construction of the bridge is described as the “Initial Development” phase, is estimated to yield approximately 240,000 tonnes of limestone that would be removed in two benches.
- 5.5 Following the Initial Development, the extension area would be worked in 3 phases from south to north. Phases 1 and 2 both contain about 675,000 tonnes of saleable mineral sufficient for just over 5 years of supply each, and Phase 3 has a further approximate 864,000 tonnes which equates to almost 7 years of supply.
- 5.6 Prior to working of the mineral in the Initial Development phase the soils and overburden would be stripped and used to create shallow screen banks on either flank of the (extension area side) cutting and on the southern and eastern boundaries of the extension area. Surplus soils and overburden would be transported in dump trucks to be stored in the base of the existing quarry floor. Quarry waste stone would also be stored within the existing quarry together with imported inert waste materials awaiting future use in restoration of the extension area.
- 5.7 The remaining 3 phases would then be worked consecutively with soils and overburden first being stripped separately, and either stored in the existing quarry pending use for restoration purposes, or used directly in restoration of the previous phase – though allowing for a haul route to continue along the eastern boundary of the extension area. Soils stripped from Phase 3 would also be used to create an additional shallow northerly screen bank. No screen bank is proposed on the western boundary of the extension area.
- 5.8 Mineral extraction would be carried out using the same methodology as has been the case in the existing quarry, with drilling and blasting of the limestone before it is transported via dump truck to the processing plant. Limestone would be extracted over two benches approximately 12 metres in height and blasting would occur approximately eight times a year (as with current practice). The infilling operations following on behind extraction would minimise the extent of land taken for quarrying and the length of working faces exposed at any time. Quarry waste stone would be used with imported inert waste materials to backfill the void space and reinstate original land levels. After Phase 3, restoration works would proceed in a reverse north to south direction along the haul road and the cutting. The bridge crossing would then be removed and final restoration of the existing quarry secured, including removal of the plant site, quarry buildings and structures.

5.9 The working hours for the existing quarry vary according to the type of operations, as follows:

*Quarrying, processing and transport*

- 0630 – 1800 Monday to Friday
- 0630 – 1600 Saturday

*Maintenance*

- 0630 – 1900 Monday to Saturday
- 0630 – 1600 Sunday

*Aggregate recycling*

- 0700 – 1800 Monday to Friday
- 0700 – 1600 Saturday

5.10 The working hours for the extension area are proposed to be shorter than the existing quarry, as follows:

- 0700 – 1800 Monday to Friday
- 0700 – 1600 Saturday

In addition, no drilling, blasting, and soil or overburden removal would take place in the extension area on Saturdays.

5.11 The existing quarry permission restricts heavy goods vehicle (HGV) movements to no more than:

- 75 per day on 90% of working days within a 13-week period and 96 in any one day; and
- 13,200 in any calendar year.

The proposed development would continue to operate within with these limits.

5.12 The extension area including adjoining land within the applicant's ownership would mostly be restored to calcareous grassland with some areas of rough grassland, and lowland mixed and broadleaved woodland and mixed scrub planting. The dry-stone walls would be reinstated and/or improved with native scrub planting alongside, new hedgerow would be established, and a number of new ponds with marshy damp grassland margins would be created.

5.13 The final restoration scheme for the existing quarry would remain as per the already approved scheme, which is to create a lower-level landform that would essentially provide for new lowland calcareous grassland around ephemeral ponds with wet grassland margins at the lowest points of the site, retention of a worked face of exposed Portland Limestone Formation (approximately 18 m high and 240 m long in the north-eastern corner of the quarry), and areas of broadleaved scrub and woodland planting, as well as a new network of public rights of way across the site.

- 5.14 However, the restoration of approximately 9.7 ha of the quarry would be delayed, because the land would be required in connection with the proposed development (i.e., the site offices and weighbridge area, haul road and parking areas, plant site and stockpiling areas). To compensate for this, approximately 12.3 ha of other land within the applicant's ownership adjoining the existing quarry would be subject to enhancement measures to create new habitat areas of the same type as proposed for the extension area.
- 5.15 The anticipated development timescale is that following a 6-month period for the bridge construction, mineral extraction in the extension area would be complete within about 20 years. Final restoration of the extension area and existing quarry would then take a further 7 years.
- 5.16 The applicant has offered to undertake long-term management (30 years including any statutory five-year aftercare period) of all the areas to be restored and or newly created. In addition, in recognition of the potential for residual landscape and visual impacts to arise from the proposed development, the applicant is proposing to establish a scheme for securing compensatory environmental enhancements in the local area, funded by making an initial payment of £150,000 upon commencement of the development, followed by an annual payment for 27 years of £7,000 index linked. (This offer was increased from that originally made in the further information submission of a payment £10,000 per year over approximately 25 years).

## **6. Relevant Planning History**

- 6.1 Planning permission was first granted for mineral working at Swanworth Quarry in 1947, and since then there have been a number of planning permissions for further mineral extraction and site facilities. The most recent planning permission is 6/2017/0258 and provides for restoration of the quarry including the importation of inert fill to achieve the existing approved scheme. Under this current permission, extraction of minerals is to cease by 26 June 2024 and restoration of the quarry to be completed by 26 June 2025.
- 6.2 Aggregate recycling at the quarry was first approved for a temporary period in 1997, and subsequent permissions were granted to extend the duration of the activity. The current permission is 6/2013/0186 which is time limited to coincide with the cessation date for mineral extraction of 26 June 2024.
- 6.3 The applicant company, Suttle Stone Quarries, has operated Swanworth Quarry since 2011. Prior to that it was operated by Tarmac for approximately 30 years. Historic output from Swanworth in the 1980s was in the region of 400,000 tpa, reducing to 200,000 tpa during the 1990s, and averaging 120,000 tpa from the 2000s.

6.4 The current application proposal was submitted in June 2020 with the description: *Lateral extension to Swanworth Quarry and extension of end date for quarrying and restoration*. The Council had determined that in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) that the proposal was Environmental Impact Assessment (EIA) development. The application was therefore accompanied by an Environmental Statement (ES).

6.5 On 25 November 2020 and 17 December 2020, the Council requested additional information under Regulation 25 of the EIA Regulations to enable reaching a reasoned conclusion on the likely significant effects of the development and under Section 62(3) of the Town and Country Planning Act 1990 to address inadequacies identified within the application supporting documents. This included a revised description to encompass all aspects of the development for which it was apparent from the supporting documents that planning permission was being sought. The following revised description of the proposal was agreed:

*The winning and working of limestone through the lateral extension to Swanworth Quarry, retention of processing plant and existing infrastructure, importation of inert waste material for restoration purposes, and continued production and sale of recycled aggregates.*

6.6 The requested further information, including some amendments to the application scheme, was provided on 26 July 2022 and has been subject to full consultation.

## 7. Consultations

7.1 **Corfe Castle Parish Council** - minded not to object because of employment and local economy benefits, but conditional on the following:

1. Funding for local road maintenance.
2. Consideration of:
  - a. An off road or safer cycle route from Corfe to Kingston.
  - b. Environmental compensation projects.
  - c. Investment in community facilities for Kingston and Corfe.
3. Limit on lorry movements to be for 120,000 tons extraction rate.
4. No increase in lorry weights or configuration.
5. Availability of lorry tachograph readings.
6. Access for the initial construction to be after hours to reduce congestion.
7. Financial provision to ensure restoration is completed.

Following the receipt of further information, additional comments were:

- 39 Kingston residents object, but there are benefits to consider.
- The road through Corfe be maintained to reduce noise and vibration.
- £250,000 environmental enhancement fund is inadequate.

- There should be some early compensatory projects.
- There should be an undertaking of no further extensions.
- No objection provided there is substantial mitigation for the Parish.

- 7.2 **Dorset Council Environmental Health Officer** – recommends conditions to reflect noise limits suggested in the acoustic report. With regard to air quality there are good dust control measures in place for the existing quarry.
- 7.3 **Environment Agency** - initially objected because of lack of information to demonstrate that the development would not constitute a hazard to controlled water and the associated designated sites. Following the receipt of further information, the objection was withdrawn, subject to the licence variation for the removal of the three spring sources in Hill Bottom Valley from potable water supply, in order to meet groundwater protection provisions, being granted (by the Environment Agency) before quarrying commences.
- 7.4 **Historic England** - supports the application on heritage grounds.
- 7.5 **Dorset Council Archaeologist** - the archaeological evaluation of the site has been undertaken to an appropriate standard and identified prehistoric archaeological remains of some significance in two areas and that there may be further associated archaeological remains. The remains of the Bronze Age barrow only survived below ground and a pre-commencement condition to secure recording of the remains is required.
- 7.6 **Highways Authority (Transport Development Liaison)** - No objection subject to the continuation of the current rates of extraction as proposed.
- 7.7 **Dorset Council Rights of Way** – the development would have a direct effect on the Public Right of Way SE29/19 by the requirement to build a bridge over it, and is likely to have an effect on ambience (noise, disturbance, landscape quality) of the well-used Purbeck Way. The route must remain open to the public and the surface maintained throughout the development phase.
- 7.8 **South East Purbeck Ward - Cllr Cherry Brooks** - Fully supports the need to protect the environment and the AONB, but needs to be balanced with the threat to the local economy. Swanworth Quarry has been operating for a very long time and although the extension would cause disruption, there would be improved habitat upon restoration based on the operator's track record so far which has exceeded expectations. The proposal would greatly reduce carbon emissions in mineral transportation and avoid jobs losses with consequential adverse effect on the local economy. Considers that the benefits outweigh the harm and sustainable communities should be promoted.
- 7.9 **Dorset Council Landscape Officer** – Objection. Recognises that mitigation measures have been pursued aimed at restricting the visual impact of the

extension area, but the landscape and visual effects are likely to be significantly adverse with traditional methods such as soil bunds and planting not in keeping with the character of the Dorset AONB Purbeck Plateau, which is one of a windswept landscape of geometric stone walls, little tree cover, occasional hedgerows and far-reaching views. Considers also that the bridge crossing and operations on both sides of the coombe would be highly likely to have a major adverse effect on the tranquillity and undeveloped rural character of the Kimmeridge Coast Landscape Character and on users of the of the Purbeck Way through visual and noise impacts. The LVIA also shows that there would be significant adverse effects from a number of viewpoints and therefore the proposal would conflict with policies designed to conserve landscape character and particularly the special qualities and scenic beauty of the AONB and the Purbeck Heritage Coast.

- 7.10 **Dorset AONB Team** – Objects to the application on the grounds that it would have significant landscape and visual impacts that will adversely affect the character and appearance of the AONB in conflict with numerous policies of the AONB Management Plan. The extension area is relatively detached from the existing quarry and would appear as an outlying limb of development, attached via the required cutting and bridge across the coombe, which marks a topographic break. This factor, along with the physical separation of the two areas and their dissection by the Purbeck Way, exacerbates the effects of the proposal on the AONB.

Considers that the proposal does not pass the NPPF major development test. Whilst there is an established market, the product is not particularly scarce and does not necessitate the extension. There is a secondary aim within an AONB designation of regard for the interests of those who live and work there, but particular support is given to economic activities that facilitate the conservation and enhancement of the area's landscape and scenic beauty. Concerning the cost of and scope for developing outside the AONB, or meeting the need in some other way, the authority should give careful consideration to the sustainability of other sources, including alternative means of transport. Given the effects, particularly landscape and visual, the development would fail.

The LVIA does not consider the baseline of the cessation of restoration of the existing quarry by 2025 and this materially shifts the outcome of the process. Instead, it tends to use a baseline including the existing quarry, which results in assessments being less significant than they might be in comparison with the cessation baseline. In the absence of the existing quarry, the experience of tranquillity, naturalness and remoteness for users of the Purbeck Way would be significantly improved. The LVIA also under-classifies the sensitivity of the landscape and the effects for road users. This is compounded by using the 'temporary' nature of the development and future restoration of the site as a moderating factor to reduce the effects below a threshold of significance. At

27.5 years the duration of the development should be considered long-term, and is not sufficiently short to negate the significance of effects that would arise. The proposed mitigation measures are unlikely to reduce the significance of landscape and visual effects to the required degree. If the authority judges that the first two parts of the major development test are passed, further consideration of landscape compensation could be required as a form of moderation.

Given the site's relationship with the Purbeck Way that is a promoted recreation route providing access to the World Heritage Site (WHS) there would be a moderate adverse effect on the experience of visitors accessing the WHS as a result of the ongoing and expanded quarrying activity at this gateway. In addition, whilst recognising that the existing quarry is part of the established landscape, it has a different character to the traditional Purbeck Stone quarries to which the LVIA refers, and the extension area, by virtue of scale, length and impact on the public's enjoyment of the area, would constitute a breach of Condition 2 of the Purbeck Heritage European Diploma for Protected Areas. This is only one of 3 such diploma-holding areas in England and there is a significant risk that this prestigious international award will be withdrawn should the application be granted.

Following the receipt of further information, the additional comments are that the revisions to the LVIA have not resulted in material changes to the classification of effects or overall conclusions, and the approach of comparing areas of delayed restoration within the existing quarry to those of the overall WHS, Heritage Coast and the AONB, is a crude means of illustrating a suggested insignificance of the delay, that is not useful in explaining the actual impacts. It is difficult to accept the opinion provided that landscape and visual effects are 'very limited' and 'restricted', and the duration of these effects is clearly substantial. In addition, a further location where significant visual impacts are also foreseeable, on footpath SE29/9 approximately 1.5km east of the site from where there are open views across the extension area, has been identified.

The increased offer of compensatory funding is broadly welcomed. The fund administration should follow a similar mechanism to that for the Wytch Farm fund, and be supported by an experienced project officer, particularly to assist with larger landscape-scale projects which may involve multiple stakeholders. The level of funding compared to benchmarks is reasonable, but does not alleviate reservations concerning the impact of the development on the character and appearance of the area, though it is recognised that the authority may consider the proposed landscape enhancement fund as part of the major development test.

- 7.11 **Natural England** - objects to the application on the grounds of residual harmful impacts on the AONB, both in terms of landscape and biodiversity.

The LVIA proceeds on a baseline is as now with the existing quarry operational and only partially restored rather than the situation as it would be without the proposed extension – a fully restored site by 2025. The LVIA incorrectly uses this to reduce the overall sensitivity of the AONB and describes the change to the consented restoration as ‘limited’, despite being long term, to justify focussing on the effects of the proposed extension rather than the total impact of the proposals. The LVIA under records the magnitude of effect from viewpoints along the Purbeck Way, given its very high sensitivity on high ground facing the extension area and that screening within the application site would be ineffective. The coombe’s intimate and natural character would also be adversely affected, by an artificial bridge and the access cut, and by a reduction in tranquillity from plant moving across the bridge combined with continuation of the existing quarry. The assessment of effects from the Purbeck Way would be greater than predicted in the LVIA. The impact on the AONB of lorry movements has also not been considered on the assumption that no change to levels means no effect, but without the proposal there would be no lorry movements. The assessment of the effects of artificial lighting suffers from the same problem. The scope of cumulative effect of the existing quarry plus the extension is narrowed to viewpoints where both can be seen at the same time, yet a cumulative effect may also occur if both were visible at different points on the same walk. Despite finding the overall effect to be substantial and substantial to moderate from a number of viewpoints the LVIA considers that the predicted landscape effect on the AONB is not significant; that there are limited viewpoints from which the proposal could be seen; and no analysis is provided to judge the scale of any reduction that is to be made from the measures that ‘directions of working and sequencing have been devised to minimise impacts.’ Finally, the impacts may be temporary, but they are hardly short term and a significant residual impact remains likely. Wider enhancements to the AONB could be achieved through a moderation fund similar to that for the Wytch Farm development, incidentally also a development with only ‘temporary’ impacts.

The direct loss of an area of countryside and the impacts on biodiversity in the surrounding countryside have not been adequately considered. The survey effort has only focussed on the red line area whereas species will rely on the application area for foraging as part of the wider landscape they range over. The bat information is very limited and does not demonstrate a lack of adverse effects on supporting habitats, but emphasises the concentrated use of this site between an important bat site on the coast nearby and the more favourable habitat/landscape in the Corfe Valley to the north. The sheltered scrub dominated coombe which is likely to be an important feature for bats and will be impacted by the proposal, including the significant new feature of the proposed bridge, is not assessed. More advanced survey methods over a longer period are needed for a better understanding of the use of adjoining

habitats and context. The application should not be considered further until a Landscape Ecological Management Plan (LEMP) has been provided.

The delay in restoration of part of the existing quarry has not been addressed adequately. The biodiversity metric calculations are unclear and not a valid demonstration of net gain. Amendments are needed to the restoration proposals to demonstrate that successful calcareous grassland would be established and for better connectivity with adjacent limestone grasslands. The fact that the proposed new cutting would divide land within a countryside stewardship HLS agreement for grassland restoration, with potential negative effects on the biodiversity of the area, has not been considered.

7.12 **Dorset Council Natural Environment Team** – Initially further information required.

Compensation for delay in the existing consented restoration scheme must be addressed. The baseline for the calculation of required compensation and net gain is not correct as it includes areas within the existing quarry that are already approved for restoration under the existing permission.

The restoration plan needs to show the majority of the extension area as species rich calcareous grassland, with minimal or no restoration to agriculture, to reflect the Natural England Conservation Objectives for the adjacent SAC and the importance of the adjacent SAC/SSSI habitat. The application also has great potential to increase the resilience of the SAC, by creating additional species rich calcareous grassland in the 'blue line' areas within the applicant's control. All restoration measures should be set out with detailed long-term management prescriptions and refer to the successful methods used within the existing quarry.

The bat survey information highlights the importance of this site within the wider landscape, and in particular the valley, but this context is not considered fully. The valley is likely to be a key feature for foraging and migrating bats and will be functionally lost for the longest time. Consideration must be given to how bats use the application site, and in particular the valley feature, which lies between known roosts and foraging/commuting sites inland and on the coast, and how this will be impacted. There should be provision for artificial roosts, which would mitigate impacts while the extension area is in use, but also provide longer term net gain. A bat lighting strategy should also be included to reduce impacts on foraging and commuting bats to a minimum.

The breeding bird survey effort should have extended beyond the extension area to ensure that it properly reflected the range of birds likely to use the application site for foraging. This is also the case for barn owls where the survey focussed on identification of nest sites but only within the extension

application area, and again with no assessment of the area as foraging habitat or consideration of potential nest sites in the adjacent countryside.

The proposed amphibian and reptile conservation area is welcome but is limited in size and will be subject to disturbance being adjacent to the Right of Way and screen bunds. Other areas within the wider blue land should be considered to provide increased amphibian and reptile mitigation.

Further invertebrate surveys across the application site are required to give definitive information on predicted presence of species.

Following the receipt of further information, the comments are that the outstanding biodiversity issues have been satisfactorily addressed. The proposed mitigation, enhancement and restoration is acceptable with sufficient habitat created on additional areas to address delayed restoration, and in consideration of the habitat work starting in the additional areas upon grant of planning and a 30-year management period. A Landscape & Ecological Management Plan to secure all mitigation, compensation and net gain measures should be required by planning condition.

## **8. Representations**

- 8.1 The application has been publicised in the local press, by site notice, and neighbour notification letters. 70 objections have been received raising the following issues:
- Severely detrimental impact on the special qualities and enjoyment of world-class and unique landscape designations.
  - Highly intrusive visibility of the proposal on elevated land and lack of realistic screening proposals, harming existing fine views from the Purbeck Way and B3069 over open countryside.
  - Uncertainty that the quarry will be filled in, leaving a scar on the landscape.
  - Inadequate landscape compensation proposals.
  - Negative impact on local and historic footpath(s).
  - Harm to the tourism industry and associated support of the local economy.
  - Employment potential of the proposal is limited.
  - Lack of need for the aggregate.
  - Existing rail link from the Mendips to Poole could be reinstated to provide a sustainable supply of aggregate to the local area.
  - The proposal is not comparable to a Purbeck Stone quarry.
  - Use of Purbeck Stone as an aggregate is waste of a finite resource.
  - The proposal should not be considered an extension but a new quarry.
  - It is a major and long-term development.
  - No exceptional circumstances to justify the AONB location.
  - End dates and promises to restore the quarry in the past have not been fulfilled.

- Damage to the natural environment and well-being of local residents and businesses.
- Harm to local wildlife.
- Highway safety issues, unsuitable local roads, congestion, pollution, and damage to local property from lorries.
- Dust nuisance.
- Inadequate noise assessment.
- Misinformation on proposed hours of working.
- Any permission should be on the basis of 3 approval phases; that each phase is only allowed to proceed provided the previous one has been completed satisfactorily.
- Harm to the setting of designated heritage assets.
- Negative effect on house prices.

8.2 109 representations in support of the application have also been received. Their comments are summarised as follows:

- Environmental benefits of local aggregate supply, rather than it being transported long distances with increased carbon emissions.
- Minimal visual impact as it will only be noticeable from very distinct and rarely used viewpoints.
- Impact on the AONB would be mitigated as far as reasonably practicable.
- A significant environmental fund would be provided.
- Quarrying is an integral part of the cultural heritage of the Purbeck area.
- Net biodiversity gain through reinstatement of the quarry, additional land for habitat provision, and long-term management.
- The company has a proven track record in quarry restoration.
- Increased cost of imported stone will exacerbate local construction costs making housing less affordable for local people.
- The company employs many local, skilled people on a well-paid secure basis and benefits the local economy.
- Closure of the quarry will mean job losses.
- The applicant is a respected local family business that supports local community initiatives and operates in a responsible and environmentally conscious way committed to reducing its carbon footprint.
- The existing quarry has operated for many years with little impact and the proposal is purely for this to continue.
- The application proposals have been carefully considered to limit impact on the environment.
- The Swanworth aggregate is of a quality and consistent colour needed for local architectural projects; the only other comparable product is in Derbyshire.
- The quarry is also a local source of agricultural lime, the supply of which in the UK is insufficient.

8.3 The Purbeck & Poole Group of Dorset CPRE has also written in support of the proposal provided that:

1. archaeological interest is not affected;
2. environmental and ecological requirements are secured; and
3. access routes are kept well maintained and enhanced as appropriate.

## **9. Planning Policy Framework**

9.1 Applications for planning permission 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.

### **9.2 The Development Plan**

The relevant Development Plan includes the Bournemouth, Dorset and Poole Minerals Strategy (adopted May 2014), the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019 (adopted December 2019), the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 (adopted December 2019), and the Purbeck Local Plan Part 1 (adopted November 2012). The most relevant policies from the statutory Development Plan are:

#### Bournemouth, Dorset and Poole Minerals Strategy

- Policy SS1 – Presumption in favour of sustainable development.
- Policy SS2 – Identification of Sites in the Minerals Sites Plan.
- Policy CC1 – Preparation of Climate Change Assessments.
- Policy RE1 – Production of Recycled Aggregates.
- Policy AS3 – Crushed Rock.
- Policy PK1 – Provision of Purbeck Stone.
- Policy PK2 – Considerations for Purbeck Stone Quarries.
- Policy RS1 – Restoration, Aftercare and Afteruse of Minerals Development.
- Policy RS2 – Retention of Plant, Machinery and other Ancillary Development.
- Policy DM1 – Key Criteria for Sustainable Minerals Development.
- Policy DM2 – Managing Impacts on Amenity.
- Policy DM3 – Managing the Impact on Surface Water and Ground Water Resources.
- Policy DM4 – Protection and Enhancement of Landscape Character and the Countryside.
- Policy DM5 – Biodiversity and geological interest.
- Policy DM6 – Dorset and East Devon Coast World Heritage Site.
- Policy DM7 – The Historic Environment.
- Policy DM8 – Transport and Minerals Development.
- Policy DM10 – Planning Obligations.

#### Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019

- Policy MS-3 – Swanworth Quarry Extension.

### Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019

- Policy 1 – Sustainable waste management.
- Policy 2 – Integrated waste management facilities.
- Policy 4 – Applications for waste management facilities not allocated in the Waste Plan.
- Policy 8 – Inert waste recovery and disposal.
- Policy 12 – Transport and access.
- Policy 13 – Amenity and quality of life.
- Policy 14 – Landscape and design quality.
- Policy 16 – Natural resources.
- Policy 17 – Flood risk.
- Policy 18 – Biodiversity and geological interest.
- Policy 19 – Historic environment.
- Policy 23 – Restoration, aftercare and afteruse.

### Purbeck Local Plan Part 1

- Policy SD – Presumption in Favour of Sustainable Development.
- Policy CO – Countryside.
- Policy BIO – Biodiversity & Geodiversity.
- Policy FR – Flood Risk.
- Policy GP – Groundwater Protection.
- Policy D - Design
- Policy LHH – Landscape, Historic Environment and Heritage.
- Policy IAT – Improving Accessibility & Transport.

## 9.3 Relevant Material Considerations

### National Planning Policy Framework (NPPF) (July 2021)

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 (paragraph 11).

Paragraph 38 states that local planning authorities should work proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraphs 176 - 178 state 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...The scale and extent of development within all these designated areas should be limited...When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, 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 the 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.

With areas defined as Heritage Coast (and do not already fall within one of the designated areas mentioned in paragraph 176), planning... decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”

Paragraph 211 states that great weight should be given to the benefits of mineral extraction, including to the economy, and in considering proposals for mineral extraction, mineral planning authorities should as far as practical provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, ensure that there are no unacceptable adverse impacts on amenity, human health and the environment, and provide for restoration and aftercare at the earliest opportunity to high environmental standards.

Other relevant parts of the NPPF include the following:

- Building a strong, competitive economy (paragraph 81 and 83).
- Supporting a prosperous rural economy (paragraphs 84 and 85).
- Promoting sustainable transport (paragraphs 104 and 110).
- Planning and flood risk (paragraph 167).
- Conserving and enhancing the natural environment (paragraphs 174, 180, 181, 182, 185 and 188).
- Conserving and enhancing the historic environment (paragraphs 189, 194, 195, 197, 199, 200, 203, 204 and 205).

#### National Planning Policy for Waste (NPPW) (2014)

The NPPW states (at paragraph 1) that positive planning plays a pivotal role in delivering this country’s waste ambitions through delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ensuring that

waste management is considered alongside other spatial planning concerns (recognising the positive contribution that waste management can make to the development of sustainable communities); providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of; and helping to secure the reuse, recovery or disposal of waste without endangering human health and without harming the environment.

Paragraph 4 considers appropriate locations for identifying suitable sites and areas in Local Plans and advises that opportunities should be sought to co-locate waste management facilities together.

Paragraph 7 identifies matters to be considered in determining waste planning applications, including:

- the likely impact on the local environment and on amenity;
- being concerned with implementing the Local Plan planning strategy and not with the control of processes which are a matter for the pollution control authorities;
- ensuring that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

#### Emerging Policy – The Purbeck Local Plan (2018-2034)

The Purbeck Local Plan (2018 – 2034) was submitted for examination in January 2019 and hearing sessions were held between July and October 2019. The Inspector provided a post hearing note, and Main Modifications to the Plan were consulted on from December 2020 to January 2021, followed by consultation on Further Proposed Main Modifications in October 2021. A further hearing session was then held on 19 July 2022. The Plan as proposed to be modified has therefore reached an advanced stage of preparation and its relevant policies should according to NPPF paragraph 48 be given weight in determining planning applications:

- Policy E1 – Landscape.
- Policy E2 – Historic Environment.
- Policy E4 – Assessing flood risk.
- Policy E7 – Conservation of protected sites.
- Policy E8 – Dorset heathlands.
- Policy E10 – Biodiversity and geodiversity.
- Policy E12 – Design.
- Policy I2 – Improving accessibility and transport.

#### The Dorset AONB Management Plan 2019-2024

- Policy C1 – The AONB and its setting is conserved and enhanced by good planning and development.
- Policy C2 – Landscape assessment & monitoring is effective and supports good decision-making.

- Policy C3 – Necessary development is supported.
- Policy C4 – Development which has negative effects on the natural beauty of the AONB, its special qualities, ecosystems flows and natural processes is avoided.

Conditions of Purbeck Heritage Coast European Diploma for Protected Areas  
Condition 2 requires that extensions to existing or new quarries must conform to the ‘exceptions’ principle and only be permitted if they do not impair the character of the Purbeck Heritage Coast.

Dorset and East Devon Coast World Heritage Site Management Plan 2014-2019

- Policy 1.4 – Protect the landscape character, natural beauty and cultural heritage of the Site and setting from inappropriate development.

## **10. Planning Assessment**

### Introduction

- 10.1 The main issues relating to this application are as follows:
- Whether the development proposal is acceptable in principle;
  - The tests for allowing major development in the AONB and the degree of impact on landscape character, visual amenity, and recreational resources;
  - Biodiversity interest;
  - Local amenity and quality of life;
  - Public rights of way;
  - The water environment;
  - Highways impacts;
  - The heritage environment; and
  - Restoration, aftercare and after use of the site.

### Principle of development

- 10.2 There are three principal elements to the proposed development: the winning and working of minerals; aggregate recycling; and infilling operations, for which different policy considerations apply.

#### *The winning and working of minerals*

- 10.3 An extension to Swanworth Quarry, the area of which is identified as CR-1 on the Policies Map, is a site allocation under Policy MS-3 of the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019 (‘the MSP’) to provide for the adequate and steady supply of crushed rock. The CR-1 site allocation details (at MSP Appendix A) identify the proposed development as: “Extraction of limestone, principally for the provision of crushed rock, as an

extension and continuation of the existing Swanworth Quarry to the south of the site.” The policy justification (MSP paragraph 3.29) explains that Swanworth Quarry is an important alternative source of crushed rock to the Portland or Mendip quarries and offers a more sustainable source of construction aggregate, in terms of reducing distances to be travelled, for the Poole and Bournemouth markets.

- 10.4 MSP Policy MS-3 requires that any proposal for the development of this allocation must address the development guidelines set out for the site in Appendix A (of the MSP), with particular emphasis on landscape and visual impacts on the AONB, as well as any other matters relevant to the development of the allocation, and demonstrate that any adverse impacts will be mitigated to the satisfaction of the Mineral Planning Authority.
- 10.5 MSP Policy MS-3 contains two further stipulations, that:
- should the proposed development result in adverse landscape and visual impact that cannot be avoided or adequately mitigated, compensatory environmental enhancements will be required to offset the residual and visual impacts; and
  - it is demonstrated that the possible effects of the proposed development would not adversely affect the integrity of European and Ramsar sites either alone or in combination with other projects.
- 10.6 The red line of the application proposal reflects that of the area identified under the terms of the site allocation together with the area of the existing quarry. Policy SS2 of the Bournemouth Dorset and Poole Minerals Strategy (“Minerals Strategy”) provides that the Mineral Sites Plan will be the vehicle for identification of specific sites, and Minerals Strategy Policy AS3 allows for new sites for crushed rock where the development would enable a sustainable supply of minerals close to the market. In terms of meeting the provision for new supply of crushed rock, the proposal therefore accords in principle with MSP Policy MS-3 and Minerals Strategy Policies SS2 and AS3.
- 10.7 Whilst the proposal is essentially for the provision of crushed rock, there is capability within the mineral resource for some limited production of building stone. MSP Policy PK1 seeks to maintain an adequate supply of the full range of the Purbeck Beds and Policy PK2 identifies that the provision will be made within the Area of Search as shown on the Policies Map. The application site coincides with the Area of Search, and as the proposed extension would also help to maintain a supply of Purbeck Portland Stone, there is therefore an in principle compliance with these policies.
- 10.8 Finally, the terms of the site allocation as “an extension and continuation of the existing Swanworth Quarry” undoubtedly envisage continued use of the plant, machinery and ancillary development already established within the existing quarry in connection with the new area of mineral working. Minerals

Strategy RS2 sets out the basis for the acceptability of retaining such infrastructure; that there is an identified need for the continued use; any impacts are at an acceptable level; and that the equipment is removed upon restoration. Given that the processing plant and ancillary development have been in operation for many years without evidence of unmitigated impacts and would be removed upon completion of working and restoration of the site, the proposal would also conform with Minerals Strategy Policy RS2.

#### *Aggregate recycling*

- 10.9 The Minerals Strategy encourages (paragraphs 7.6 and 7.12) the increased production of recycled aggregates and recognises that a location within an existing quarry can be beneficial, given the existing site infrastructure, and synergies in use of plant, machinery and transport. Minerals Strategy Policy RE1 provides for the production of recycled aggregates at and for the life of existing quarries.
- 10.10 The Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 ('the Waste Plan') also identifies (Table 8 and paragraph 7.92) a growing shortfall in capacity of inert waste recycling from 2023 onwards, and that proposals to meet the capacity gap are to be considered against Minerals Strategy Policy RE1. Waste Plan Policies W1 and W4 then promote sustainable waste management that implements the waste hierarchy, self-sufficiency, the proximity principle, and location with complementary activities.
- 10.11 The proposed continuation of aggregate recycling at the existing quarry in using existing available plant and machinery would be a complementary use, and would provide for a sustainable reuse of existing resources in support of improved circularity of materials and implementation of the waste hierarchy. It would also assist in addressing a projected shortfall in inert waste recycling capacity within the county, and as it would not endure beyond the life of the quarry operation, it would be consistent with the provisions of Minerals Strategy Policies RE1 and RS2 and Waste Plan Policies 1 and 4.

#### *Infilling operations*

- 10.12 The Waste Plan acknowledges (paragraph 10.27) that inert waste that cannot be recycled will need to be managed through inert landfill or land recovery operations, and that where inert wastes are used to restore mineral workings the activity may be classed as recovery, as the waste is put to beneficial use. The Waste Plan goes on to note (paragraph 10.29) that some permitted and allocated sites in the Mineral Sites Plan require inert material for their restoration, and this is the position with the Swanworth Quarry extension. The site allocation development guidelines specify restoration to current ground level, and that the landform tie in with surrounding areas to conserve the strong character of the area and protect and manage the positive landscape attributes. In these circumstances, Waste Local Plan Policy 8 supports inert waste land recovery, where as far as reasonably

practicable all materials capable of producing high quality aggregate have been removed for recycling. This would be the case, given that there would also be an aggregate recycling facility at the site.

- 10.13 Moreover, the hydrogeological risk assessment and further information provided in relation to the effects of the development on the water environment confirm that the infilling operations would in essence be suitable for an environmental permit application to permanently deposit waste on land as a recovery activity. Consequently, the principle of using inert waste for the purposes of restoring the new area of mineral working is sustainable and is supported by Waste Plan Policies 1, 4 and 8.

The tests for allowing major development in the AONB and the degree of impact on landscape character, visual amenity, and recreational resources

- 10.14 The application site is located in the Dorset Area of Outstanding Beauty (AONB). The NPPF makes clear (paragraph 176) that an AONB has the highest status of protection and that great weight is to be given to conserving and enhancing its landscape and scenic beauty, as well as to its wildlife and cultural heritage. The NPPF continues at paragraph 177 that permission should be refused for major development other in exceptional circumstances, and where it can be demonstrated that the development is in the public interest ('the NPPF Major Development Test'). 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.
- 10.15 MSP Policy MS-3 states that any proposal for development of the allocation must address the development guidelines set out for the site (Appendix A of the MSP), with particular emphasis on landscape and visual impacts on the AONB, and that should the proposed development of the allocation result in adverse landscape and visual impacts that cannot be avoided or adequately mitigated, compensatory environmental enhancements will be required to offset the residual landscape and visual impacts.
- 10.16 Minerals Strategy Policy DM4 expects development to ensure the protection of the AONB and reinforces the same requirement of MSP Policy MS-3 in relation to circumstances where adverse impacts cannot be avoided or adequately mitigated. Minerals Strategy Policies DM1 and DM2 provide key criteria for sustainable minerals development and for managing impacts,

including protecting landscapes and visual impacts. Waste Plan Policy 14 reflects the NPPF; that great weight should be given to conserving the landscape and scenic beauty of the AONB; and that major development will only be permitted in exceptional circumstances and in the public interest.

- 10.17 Minerals Strategy Policy DM6 provides that for minerals development proposals outside of the boundary of the World Heritage Site it should be demonstrated that any potential impacts should not affect the Site's Outstanding Value or integrity.
- 10.18 Purbeck Local Plan Part 1 Policies CO and LHH aim that development in the countryside should make a positive contribution to landscape character, conserving its appearance, setting, character, interest, health and vitality.

Other material considerations are that Policies C1 and C2 of the Dorset AONB Management Plan resist development that does not conserve and enhance the AONB, unless there are benefits that clearly outweigh the special protection afforded the AONB and require that with major development decisions there is detailed consideration of relevant exceptional circumstances. Condition 2 of the Purbeck Heritage Coast European Diploma for Protected Areas also requires that extensions to existing or new quarries must conform to the 'exceptions' principle and only be permitted if they do not impair the character of the Purbeck Heritage Coast.

- 10.19 Given the nature, scale, and setting of the application proposal and its potential to have a significant adverse impact on the purposes for which the AONB has been designated, it is considered that it would comprise major development. As the Dorset development plan policies are closely aligned with the NPPF, an assessment of the proposed development against the NPPF Major Development Test has therefore been carried out, as set out below.

***a) Need for the development and impact upon the local economy***

- 10.20 The need for an extension to Swanworth Quarry was demonstrated in justifying its site allocation within the MSP. The inspector in examining the Plan recognised that there would be significant sustainability benefits in maintaining an alternative supply outside Portland, particularly with respect to reduced transport, as the quarry is close to the Bournemouth, Christchurch and Poole markets and provides about half the crushed rock in the plan area.
- 10.21 The inspector also found that, despite a large landbank of crushed rock, an extension to the existing quarry would benefit the local economy, as it would promote security of supply by ensuring a greater number of sources overall and maintain supply close to a significant market.

10.22 More specifically, information in support of the application in relation to the sustainability benefits of the proposal identifies the following key factors:

1. Supplying crushed stone from Swanworth to the Bournemouth and Poole market would result in approximately 100,000 fewer HGV miles every year when compared to supplies from Portland and 200,000 fewer HGV miles every year when compared to supplies from the Mendips.
2. In the absence of supply from Swanworth Quarry there would be an increase in the average fuel costs and carbon emissions impact of Dorset's crushed limestone supply of between 167% (from Portland) and 372% (from the Mendips).
3. In relation to the case of a crushed limestone contract supplied by Swanworth for a housing development in Swanage between 2018-2020 (also with back haulage of material recovered for restoration), there would have been a 526% increase in fuel costs and CO<sub>2</sub> produced if the contract had been fulfilled from Portland and a 1183% increase from a Mendips supply.
4. A further example relates to the availability of rock armour from Swanworth, of which an emergency contract of 3,500 tonnes was provided to Rockley Viaduct in Poole for a national client in 2020. The client wished to place an order for a further 2,2000 tonnes in late 2021, but as the reserves in the existing quarry have expired there was no stock available. The rock armour was therefore sourced from another supplier in Crewe, Cheshire and is estimated to represent a 546% increase in fuel costs and CO<sub>2</sub> produced when compared to a supply from Swanworth.
5. The applicant company has also been taking decarbonisation measures since 2014, has been reducing its footprint by over 100t of CO<sub>2</sub> emissions per annum since 2018, and has a Carbon Reduction Plan committing to achieve net zero emissions by 2040.

10.23 The application also provides the following information in respect of the benefits to the local economy:

1. The 2016-2017 turnover for Suttle Stone Quarries was almost £8 million.
2. The company strives to utilise local suppliers wherever possible, using almost 180 individual businesses based in Dorset supplying a wide range of services and products, and total expenditure with these suppliers in 2017 was over £2.21 million.
3. The Suttle business also operates a building stone quarry and cutting yard at California Quarry near Swanage, an aggregate recycling and merchandising depot at Mannings Heath in Tower Park, Poole, and a specialised engineering contractor, Suttles Projects. There are synergies between the various companies, and in particular between Swanworth and the Mannings Heath depot in terms of materials supply and HGV movements.

4. There are over 30 employees based at Swanworth Quarry and almost 70 additional people in the other business activities, most of whom are Dorset residents.
5. Over 90% of the quarry-based employees live in Purbeck.
6. The jobs are in general permanent full-time positions unlike some local jobs that are dependent on the seasonal nature of tourism.
7. The aggregates produced at the quarry contribute towards the continued development of the local area and the county, providing the raw materials needed for construction, environmental protection and improvement

- 10.24 In light of this information, it is concluded that the approval of the proposed development would have significant benefits in terms of:
- a. need for the development, including national considerations of enabling a supply of materials (rock armour) that are specifically needed in this coastal area, and to meet important sustainability objectives of tackling the climate crisis and moving to a low carbon economy by maintaining a supply of crushed rock, and an inert waste recovery facility, close to a significant market, which would help to conserve fuel resources and minimise pollution; and
  - b. the impact upon the local economy through securing a valuable source of stable employment for a significant number of workers and in supporting local supply chains.

In accordance with NPPF paragraphs 81 and 211, these are factors that should also be given great weight.

***b) Potential for developing outside the AONB, or meeting the need in some other way***

- 10.25 Given that the landbank for crushed rock in Dorset was more than adequate for the Plan period, and that National policy is to provide, as far as is practical, for the maintenance of landbanks of non-energy minerals from outside AONBs, detailed consideration was given during preparation of the Minerals Site Plan to the question of whether the proposed allocation of an extension of Swanworth Quarry was an appropriate means of providing for an adequate and steady supply of aggregates to meet the needs of the Plan area. This is because the position in relation to Dorset supplies of crushed rock aggregate is not straightforward.

- 10.26 The landbank reserve for crushed rock is virtually all comprised of aggregate produced on Portland. However, there are not actually any quarries with specific permission for crushed rock production, where the landbank and remaining reserves can be accurately measured. The permission issued in the 1950s covering most of the surface quarrying on Portland does not refer to crushed rock production, rather the primary focus is on the production of Portland Stone, dimension stone for building. Stone used for crushing is from a variety of sources, including:

- offcuts from the production of dimension stone; and

- waste stone from the quarrying process, including stone from the Cherty series, a very hard stratum found at the bottom of the Portland limestone which requires blasting for its removal.
- 10.27 Crushed rock from Portland is essentially a by-product, and the crushed rock landbank is based on estimates of: the extent of quarry boundaries established by a ROMP assessment; the estimated depths of remaining unworked stone within those boundaries that had potential for crushing; extraction of the cherty layer; and availability of waste stone from quarrying.
- 10.28 Furthermore, there are a number of other developments that may be limiting factors on the supply of crushed rock from this source. The production of Portland Stone has been moving to mining instead of surface quarrying (as encouraged by the Minerals Strategy), and increasing amounts of waste stone that might formerly have been crushed would be needed instead to backfill the mine voids. In addition, some of the quarries, including possible reserves suitable for crushing, were being developed for other uses such as housing or educational/tourism facilities. This has reduced the amount of stone potentially available for crushing, especially as some of the housing permissions established buffer zones in which there would be no blasting of the Cherty series and no further extraction of stone, to minimise amenity impacts on residents.
- 10.29 The other issues are that, as Swanworth Quarry produced approximately half of the total output of crushed rock for Dorset, it was not certain whether Portland could double its production to maintain supply, or whether increased output from Portland could have easily substituted for Swanworth especially for the Bournemouth, Poole and Christchurch market, given that aggregates as a relatively low-value product generally do not travel far. Circumstances such as these are the reason for the NPPF guidance at paragraph 211 f) and g) (and footnote) that the capacity to supply a wide range of materials should not be compromised and that large landbanks bound up in very few sites should not stifle competition; namely, the locations of permitted reserves relative to markets and productive capacity of permitted sites must also be taken into account.
- 10.30 A number of representations have been made on the application to the effect that the rail link from the Mendips to Poole could be reinstated and/or aggregate could be transported by boat. There is, however, no evidence to support the prospect of these being viable or realistic options for providing another means of sustainable local supply in the short term. In addition, it is understood that the imported stone has different properties to the stone source from Swanworth Quarry,
- 10.31 In light of these factors, it is considered that there is a strong case for maintaining an alternative source of crushed rock in the eastern/south-

eastern part of the county, and given that the primary minerals required to supply local infrastructure and construction needs can only be worked where they are found, there is no other option for meeting the demand in a viable or sustainable manner from outside the AONB, or in some other way, than through the application proposal.

***c) Any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which that could be moderated***

- 10.32 Given the duty that is placed on the Council through Section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in discharging its functions, the focus of consideration here will be on the effects of the proposal on landscape character, visual amenity, and the affected recreational resources which are key components for experiencing the special qualities of the area. Potential effects on the environment are discussed later in the report.

The effects on landscape character, visual amenity and recreational resources

- 10.33 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The LVIA describes the local landscape character as follows: 'The landscape to the north and to the east of the application site continues to gently ascend and comprises large rectilinear fields. This is an open landscape with panoramic views towards the coast and beyond. A shallow ridgeline carries the broadly east-west aligned B3069 (West Street). Further to the north the landform begins to gently undulate and forms a wide valley. Field sizes reduce and are interspersed with pockets of named and unnamed woodland providing the perception of increased enclosure and intimacy.....The land immediately to the west comprises large rectilinear geometric fields predominantly defined by intact stone walls. Further to the west, a notable area of mixed woodland occupies the intervening land between the settlement of Kingston and the head of a short incised valley which extends to the northeast from the coast from Chapman's Pool. To the south, beyond Coombe Bottom and the consented quarry, the landscape predominantly comprises large, open rectangular pastoral and arable fields which descend towards the coast.'

- 10.34 The proposed extension area predominantly lies within the Purbeck Plateau Landscape Character Area (LCA) of the Limestone Plateau Landscape Character Type (LCT) as defined within the Dorset AONB Landscape Character Assessment (2018). The Purbeck Plateau is characterised by its windswept landscape of geometric stone walls, lack of tree cover and occasional hedgerows. The LCA is judged to have a **strong** character, described as a tranquil coastal landscape dominated by the consistent,

simple, geometric patterns of dry-stone walls and pastures, and the overall aim should be to conserve the strong open character, restoring the important features of limestone grassland and stone field boundaries across the plateau.

- 10.35 The coombe, operational area of the existing quarry, and part the haul road that would be used for the site extension lie within the Kimmeridge Coast LCA of the Clay Valley LCT. (The quarry access road and site office area are within the Purbeck Plateau). The Kimmeridge Coast comprises an undulating limestone ridge enclosing a sweeping clay and limestone landform of coastal grasslands and steep incised valleys. The LCA is also judged to have **strong** character as a result of the distinctive sweeping landform and consistent character throughout, and the overall objective should be to conserve and restore the character of the area.
- 10.36 The LVIA concludes that from the field surveys undertaken the landscape of the site is generally consistent with the LCA descriptions.
- 10.37 The LVIA considers that Swanworth Quarry is part of the fabric and history of the area and can only be seen from very few limited viewpoints and then it is mostly the upper slopes and faces currently being restored. In relation to the extension area, the LVIA explains that during the design iterations, the overall size of the proposed extension was reduced and restricted to the lower slopes of the fields to minimise visibility of the proposal, and that the steep-sided coombe containing established trees and scrub separates it from the existing quarry to reduce any perception of the massing of the two extraction areas. The LVIA further notes that the access cut and bridge combination have been designed and located (at a low position within the coombe) to minimise landscape and visual impacts particularly of internal lorry movements, and directions of working and sequencing have been devised to minimise impacts and maximise the infilling and progressive restoration. The LVIA also explains that the purpose of the low linear bunds, which would be hydro-seeded to provide a greening effect, is not to fully visually contain the views of the extension but to replicate the existing scrubby slopes of the adjacent coombe. The upper slopes of the access cut would also be hydro-seeded in the same fashion.
- 10.38 In relation to the effects of the development proposals on landscape character the LVIA finds that the overall effect during the operational phase would be moderate-slight adverse for the extension area (Purbeck Plateau) and coombe, and moderate adverse for the AONB, reducing to negligible adverse at restoration for all areas. These effects are furthermore judged to be 'not significant' based on the premise that there 'will be limited change to the consented restoration of the existing quarry other than an extension of operational timescales' and 'all effects will be temporary'.

- 10.39 As for effects on visual amenity, the LVIA has identified 16 representative viewpoint locations, and has assessed that the overall effect during operations for 3 of these viewpoints would be substantial and for another 3 viewpoints it would be substantial-moderate. The effect would be moderate-slight for another 5 of the viewpoints and negligible or neutral for the remaining 5 (4 of which are at a distance of between 2.87 - 4.76 km from the site). For all of the viewpoints the effect is predicted to be neutral on completion of restoration and assessed as 'not significant'.
- 10.40 Overall, the LVIA assessment is that there would be very limited viewpoints from which any parts of the proposal could be seen and any visual or landscape impacts are in any event temporary, with no permanent loss of landscape elements or features of any consequence.
- 10.41 In relation to cumulative effects, the LVIA identifies that there are no consented or proposed mineral extraction developments in the locality of the site that would present cumulative landscape or visual effects. and that there would be no other significant cumulative effects as a result of the combination of the proposed extension and the stored materials in the existing quarry.
- 10.42 The Council Landscape Officer, Dorset AONB Officer, and Natural England do not agree with the conclusions of the LVIA and consider that the landscape and visual effects of the development proposal are likely to be significantly adverse. It is recognised that appropriate mitigation measures have been pursued, but these are unlikely to reduce the significance of landscape and visual effects to the required degree, and traditional methods of mitigation, such as larger soil bunds and planting, would not be in character with this undeveloped part of the AONB. The Council has also sought independent landscape advice from Land Use Consultants (LUC) who agree that there are significant shortcomings with the LVIA methodology, and their review concludes that there would be significant landscape and visual effects.
- 10.43 There are a number of key issues (differences of opinion) as follows:
- The appropriate baseline for assessment of the impact.**
- 10.44 A key criticism of the LVIA by consultees is that it has commonly used as a baseline the position as is now of the existing quarry operational and only partially restored, rather than the cessation baseline of it being fully restored by 2025, and that this has reduced the overall significance of effects. For example, the LVIA cites the presence of the existing quarry as a reason for considering susceptibility to be high-medium leading to lower sensitivity when assessing landscape character, and considers that the reduction in tranquillity levels from the movement of plant on the bridge over the coombe

(and Purbeck Way) would be experienced within the context of movement of plant within the established quarry.

- 10.45 The LVIA author's response to a request to re-assess the predicted effects of the proposal against the alternative baseline of full restoration of the existing quarry was in summary that the majority of the restored quarry would be unaffected by the proposals; that it is principally upper benches that appear in some existing views but these are finished and would not change; that the delay to restoration would be of some of the visually screened lower levels of the existing quarry; and that this area would present a magnitude of negligible effect on the landscape designations at just 0.4% of the area of the Jurassic Coast, 0.06% of the Purbeck Heritage Coast and 0.009% of the Dorset AONB. The outcome is that the judgment of effects in the LVIA remains unchanged.

**The effect of the duration of the development.**

- 10.46 A further defect highlighted by consultees of the LVIA is that it does not properly take into account that the proposed development is long term, but instead relies on it being temporary in nature with too much emphasis being placed on restoration to moderate the significance of effects.
- 10.47 In response to a request to re-consider the assessment of the predicted effects in light of the proposed development being very long term, the LVIA author's response is that 'very long term' is a subjective and relative expression; the proposed extension area would be restored back to original levels; and that mineral extraction is a 'temporary' use of land in relation to the AONB designation which will continue in perpetuity.

**The level of sensitivity to be ascribed to the site, wider landscape, and receptors.**

- 10.48 The relevant consultees also all consider that the assessment of predicted effects is underplayed in the LVIA, because the sensitivity of the receiving landscape and receptors has been under-classified. Whilst the LVIA contains descriptions of the relevant landscape designations, including the Dorset AONB and the Purbeck Heritage Coast, the special qualities of these designations are not considered and the special qualities underpinning the natural beauty and the purpose of the AONB should have been a key consideration. In addition, too much emphasis is placed on references to historical mineral extraction in the wider area, but which is essentially traditional Purbeck Stone quarrying that has a different character to this proposal, and on the potential for restoration, but which will not be achieved for some considerable time. Examples within the LVIA are that judgments of low and very low magnitude of effects do not reflect the size of the site and extent of change from agricultural land to quarry, especially within the context of the highly sensitive AONB; a reduced sensitivity for the Purbeck Way (because of the existing quarry) and for users of local roads, although these

are well used as scenic routes by visitors to the area; and a 'not significant' judgment of effects on landscape receptors that is not consistent with the rural, undeveloped and tranquil character of the local landscape and the extent and duration of changes that would occur.

- 10.49 The LVIA author's viewpoint is that the main difference of opinion relates to whether the AONB is to be considered a sacrosanct museum landscape to be preserved unchanged at all costs, or whether it is a very special working landscape that can absorb change in a controlled way. The LVIA's author adds that the two and a half fields (of the extension area) are not individually special, that they are a working landscape that 'changes' through the year in any event, and that there are very limited public viewpoints with potential views. As a consequence, the judgment of effects in the LVIA remains the same

#### **The degree of visual impact**

- 10.50 A further key criticism made by consultees is that, given the LVIA indicates that 'substantial' effects may be regarded as 'significant', it is hard to understand how the predicted effects are judged not significant, when the overall effect from a number of viewpoints is substantial and substantial to moderate, and that the identified mitigation measures would not reduce the significance of visual effects to the required degree.
- 10.51 Although a request was made for more detailed commentaries to better justify the judgments of magnitude of effect in the assessment of visual receptors, no specific response was received. The LVIA states that professional judgment has been used to adjust the receptor sensitivity for each viewpoint to provide a more accurate reflection of the nature and context of the view. However, no further detail is available to understand how the judgment has been made.

#### **Impact of continued lorry movements and artificial lighting**

- 10.52 Natural England points out that the impact on the AONB of lorry movements and artificial lighting associated with the quarry has not been taken into account within the LVIA, on the assumption that there would be no effect because there would be no change to levels or current activity, however, this is the wrong approach, because without the proposal these activities would cease after 2025.
- 10.53 The LVIA author's response on this point is that continued lorry traffic on the roads was considered in the assessments and not found to be an issue given this is a working landscape with farm vehicles, delivery lorries etc.

### **Cumulative effects**

- 10.54 Natural England has also noted that in relation to the cumulative effect of the existing quarry plus the extension, the scope in the LVIA is narrowed to those viewpoints where both can be seen at the same time, yet a cumulative effect may also occur if both the existing quarry and extension were visible at different points on the same walk.
- 10.55 In response the LVIA author states that there are no cumulative effects of consequence.

### *Landscape and visual impact conclusions*

- 10.56 Taking all this into account, the conclusion is drawn that adverse landscape and visual effects would arise from the proposed development.
- 10.57 It is considered that the appropriate baseline for assessment of landscape and visual effects should be the cessation and restoration of the existing quarry. The LVIA author explains why he considers that the baseline has been considered correctly. However, no account is taken of the impact of continued activity from use of and presence of the site infrastructure, haul road, plant site, and aggregate recycling operations etc., which would not otherwise occur, and it is not appropriate to rely on these aspects of continued activity as is done in the LVIA to moderate the significance of effects. There is already an element of industrial noise from the quarry that affects the tranquillity of the area, and this would be compounded by its continuation in association with new activity to the other side of the Purbeck Way, together with the noisy and disturbing movement of plant across the new bridge. In addition, the argument that the delayed area of restoration represents only a tiny proportion of the designated areas is immaterial. Any development will always be a small part of a landscape designation, but it is the effect on the special qualities, (including tranquillity), character and experience of that landscape that is relevant.
- 10.58 More weight should also have been given in the assessment of effects to the fact that the proposed development will be very long term. There is no dispute that it is temporary and largely reversible, but this reinstatement of the site will not take place in the short term, and in the meantime the development and associated adverse effects on the landscape and visual amenity will continue for a considerable length of time. It is generally accepted within LVIA methodology that the effects as a result of a proposed development would be considered short term when lasting less than 3 years; medium term when lasting between 3 and 10 years; or long term when lasting between 10 and 25 years, and permanent or very long term for more than 25 years.
- 10.59 Due to its scale and duration, the proposed development would have significant long-lasting adverse effects on the AONB and the highly valued

Purbeck Heritage Coast, and this would not be changed by the proposed mitigation measures, which is not fully reflected in the LVIA. There would also be a negative effect on the experience of visitors using the promoted Purbeck Way in accessing the Jurassic Coast World Heritage Site as a result of ongoing and expanded quarrying and infilling activities. It needs also to be noted that the application proposal would have the consequence, that establishment of most of the new public rights of way committed within the existing quarry permission upon restoration and linking into the Purbeck Way would not proceed as currently planned within the next few years, but would be delayed for a considerable length of time further detracting from the potential recreational value of visitors to the local area. The LVIA accepts that this would have a substantial significance of effect.

- 10.60 It is considered that the special qualities of the AONB have not been adequately taken into account in the LVIA, and that this has led to an undervaluation of the assessment of predicted effects on the landscape. The LVIA author's viewpoint that the development only covers two and half fields is not a pertinent issue and neither would it be expected that every field in an AONB should be 'special'. It is the character of the landscape, of which the fields are part, that is important, not individual elements of it.
- 10.61 Moreover, the LVIA clearly does identify adverse effects on visual receptors. As noted above, it shows that at least six viewpoints would experience a substantial-moderate effect (with another five having a moderate-slight effect). However, it is considered that this number should actually be higher because the level of sensitivity that had been used for views from the local road network was too low. In response to concerns about this issue, an addendum to the LVIA was provided with further assessment of views from the local road network using a high sensitivity level. Whilst the LVIA author stated that this was only for demonstrative purposes, as the medium sensitivity in the submitted LVIA was considered to be appropriate, it increased to eleven the number of viewpoints predicted to experience a substantial to moderate effect during operations. The remaining five viewpoints that show only a neutral or negligible effect, with the exception of the location within the coombe and out of site of the bridge crossing, are all some distance away from the application site (between 2.87 and 4.76 km). The LVIA does therefore demonstrate that the proposed development would give rise to harmful effects on visual amenity during its lifetime, and to moderate these assessments on the basis that the lifespan of the operations and proposed restoration are sufficient to offset any significant effects would not be appropriate.
- 10.62 In addition to the direct impact on the visual and recreational amenity of users of the Purbeck Way through the application site (and beneath the bridge crossing) there would be open views across the extension area from other points further north on the footpath and from the B3069. The Dorset

AONB Team response also identifies an additional location (not considered within the LVIA), where significant visual impacts from open views across the extension area are foreseeable, on footpath SE29/9 approximately 1.5km east of the site.

- 10.63 Due to the continuation of operations, there would also be ongoing associated traffic movements that would detract from the tranquillity of the AONB. However, it does need to be noted that, as the applicant has shown, about 25 - 30% of HGV movements to/from the quarry are journeys within Purbeck, so this level of HGV movements would still be occurring to meet the aggregate supply and waste management needs of the residents and businesses of Purbeck (though possibly starting from a remoter distance) even in the absence of the quarry. This factor would therefore to a degree moderate the negative impact of continuing additional HGV traffic within the AONB as a result of the development proposal, and also given that the traffic would be spread over the working day.
- 10.64 In relation to the effect of artificial lighting, it is considered that there would only be a very localised effect and at limited times of the day.
- 10.65 Regard has also been had to the cumulative effects and the conclusions in this respect within the LVIA (although there remains no clear explanation within the LVIA as to how the judgments have been derived), and it is considered overall that there would be some cumulative effects from the combination of the existing quarry plus the extension during operations, but the level of these effects is not likely to be substantial.

*Compensation and enhancement measures*

- 10.66 Notwithstanding the conclusions of the LVIA, the applicant has recognised that the proposed development would give rise to adverse landscape and visual impacts that cannot be avoided or adequately mitigated, and as a result has offered to provide funding for off-site measures to compensate for the residual adverse impacts.
- 10.67 A 'landscape compensation paper' was undertaken by the AONB Team, together with input from Council officers, which was a detailed assessment of the potential for, and likely costs of, measures that would be suitable to compensate for the adverse landscape, visual and amenity impacts likely to arise from the development proposals. The assessment was based on consideration of the area where the ongoing effects of proposed operations and traffic movements would be experienced and identified potential measures to benefit conservation, enhancement and management of the area to strengthen landscape character. The overall measures and calculation of costs were based on an estimation of the scale and extent of key interventions that might be eligible for enhancement through Countryside

Stewardship, and were then moderated to reflect constraints in their projected delivery.

- 10.68 The paper was shared with the applicant, and following further discussions the applicant has agreed to increase their initial offer to what is now considered to be an appropriate level of funding that is consistent with alternative packages that have been agreed for other developments elsewhere within the Dorset AONB that have been assessed as having residual adverse landscape and visual impacts.
- 10.69 The financial contribution would be paid into a fund, and grant applications invited for land management interventions with the aim of conservation and enhancement of the surrounding landscape. Measures to address transport/tranquillity impacts could also include schemes such as access/recreational improvements in the local area. The proposed front-loading of the contribution (at an initial payment of £150,000) would enable significant projects to be implemented early on in the life of the development at a time when there would be a number of substantial impacts that would need moderating, such as the crossing of the coombe and access cutting. It would also assist in securing the time of an experienced project officer to ensure that environmental enhancement is achieved through identifying and targeting potential projects and sites, publicising the fund, soliciting applications, and in overseeing delivery of the projects. The project officer would be a member of the AONB team, already involved with other similar schemes, and their costs would be funded on a part-time basis of an anticipated requirement of a day a week initially. The ongoing annual payments would then continue to build the fund for future projects to help offset the remaining impact of the development.
- 10.70 A panel of representatives from the Council, the AONB team, Natural England, and also the applicant would be set up to assess grant applications and to make recommendations to the Council for the award of funds. As the Parish Councils may well be applicants to the fund full membership on the panel could result in a conflict of interest. However, the panel may invite Parish Council representatives and other interested parties to panel meetings as observers or non-voting participants. As the Council is the body that would receive the financial contribution it is the accountable body responsible for distribution of the funds and would make the final decision, but would clearly give good reasons should there be any diversion from a recommendation of the panel.
- 10.71 With these measures in place – to be secured through a planning obligation – any detrimental effects in respect of the landscape, visual amenity and affected recreational resources would be suitably moderated.

**Conclusion – Major development in the AONB and effects on landscape character, visual amenity, and recreational resources**

- 10.72 An assessment of the proposed development has been carried out against each of the three aspects of the NPPF Major Development Test.
- 10.73 In terms of (a) the need for the development, including any national considerations and the impact of permitting it, or refusing it, upon the local economy, the applicant has provided considerable evidence which demonstrates that the development would provide significant benefits, in ensuring an adequate and steady supply of aggregate and other important building materials as well as waste management provision to meet local needs in a suitably sustainable manner, and that it would provide valuable support to the local economy as a source of stable employment and in influencing local supply chains.
- 10.74 In terms of (b), in considering the cost of and scope for developing elsewhere, it is concluded that in light of the particular circumstances applying to Portland crushed rock production, there is a strong case for maintaining an alternative source of crushed rock in the eastern/south-eastern part of the county, and given that the primary minerals required to supply local infrastructure and construction needs can only be worked where they are found, there is no other option for meeting the demand in a viable or sustainable manner from outside the AONB, or in some other way, than through the application proposal.
- 10.75 In terms of (c), regarding any detrimental effect on the environment, landscape, and recreational opportunities, given the scale, extent and duration of the development, there would be some harm to the special qualities of the AONB. However, a substantial level of funding to secure off-site environmental enhancements is proposed, in order to offset the detrimental effects on the landscape, visual amenity and recreational opportunities that would arise.
- 10.76 Taking careful account of the various considerations to be assessed in the NPPF Major Development Test, and having given great weight to the purpose of conserving and enhancing the natural beauty of the AONB it is considered that there are exceptional circumstances to justify the proposed development and that it would be in the public interest. These exceptional circumstances are described in detail in paragraphs 10.20 - 10.31 and 10.66 - 10.70 above, and are in summary:
- The site's allocation in the Mineral Sites Plan 2019;
  - The significant sustainability benefits in maintaining an alternative supply outside Portland though reducing miles travelled, carbon emissions and use of natural resources in transportation of crushed stone and other building materials;

- The environmental benefits of co-location with inert waste recovery operations to meet local needs, maximise re-use of resources, and reduce the effects of transportation through back haulage of materials;
- The benefits to the local economy through securing a valuable source of stable employment for a significant number of workers and in supporting local supply chains;
- The security of provision of an alternative source of crushed rock in the eastern/south-eastern part of the county in the circumstance that Portland reserves should not be able to maintain continuity of supply;
- Minerals can only be worked where they are found and there is no other option for meeting local infrastructure and construction needs in a viable or sustainable manner from outside the AONB; and
- A substantial level of funding for compensatory environmental enhancements would be provided to moderate the residual landscape, visual, and recreational impacts of the proposal

10.77 As such, it is considered that approval of the application proposal would not be in opposition to restrictive policies of the NPPF in relation to the AONB. It would also comply with the terms of MSP Policy MS-3, Minerals Strategy Policies PK2, DM1, DM2 and DM4, Waste Plan Policy 14, Purbeck Local Plan Part 1 Policies CO and LHH, NPPW paragraph 7, and emerging Purbeck Local Plan Policy E1 which require that the landscape and scenic beauty of the AONB is conserved, and that mitigation measures and/or compensatory environmental enhancements are provided to offset adverse landscape and visual impacts.

10.78 It is furthermore considered that Policies C2 and C4 of the Dorset AONB Management Plan and Condition 2 of the Purbeck Heritage Coast EDPA would be satisfied, because any potential harm to the qualities of the AONB and the Purbeck Heritage Coast would be offset, and the overall character of the designations appropriately conserved and enhanced. For these reasons it is also considered that the setting of the Jurassic Coast World Heritage Site would not be adversely affected in accordance with Minerals Strategy Policy DM6 and emerging Purbeck Local Plan Policy E1.

#### Biodiversity Interest

10.79 The main ecological impacts of the proposals relate to the removal of existing vegetation, loss of habitat, the proposed measures for mitigation, compensation and enhancement of biodiversity value, both for the extension area and for the delay in restoration of parts of the existing quarry, and the potential effects on the integrity of sites of international importance for nature conservation (European or Ramsar sites).

10.80 MSP Policy MS-3, Minerals Strategy Policy DM5, Waste Plan Policies 4 and 18, and Purbeck Local Plan Part Policy provide that the proposal must not

adversely affect the integrity of European or Ramsar sites. Minerals Strategy Policies PK2, DM1 and DM5, Waste Plan Policies 4 and 18, and Purbeck Local Plan Part 1 Policies CO, BIO, and D also require that development should demonstrate support for and where possible enhance biodiversity interest.

10.81 Following concerns about the adequacy of the ecological information provided in support of the original submission, further work was carried out and amendments made to the application proposal, to provide in summary the following additional measures in support of conserving and enhancing biodiversity interest:

- In compensation for the delay in restoration of 9.69 ha of the existing quarry that would need to remain operational for development of the extension area, 12.29 ha of land adjoining the existing quarry would be provided for the creation of new habitats and enhancement of existing habitats, and subject to long-term management for 30 years.
- The restoration proposals for the extension area and other land in the applicant's ownership adjoining the extension area were amended to reflect better the development guidelines for the allocation and the conservation objectives of the adjoining Isle of Portland to Studland Cliffs SAC and South Dorset Coast SSSI. The changes were essentially that the majority of the area would be restored to calcareous grassland, with additional water features (as potential great crested newt habitat), and new hedgerow, scrub and woodland planting, all as shown on a new Composite Restoration and Habitats Plan that illustrates all the restoration proposals for the application site (including the existing quarry) together with the new adjoining habitat areas.
- A commitment to early ecological enhancement works in the extension area, by:
  - ☞ providing 2 small field ponds;
  - ☞ improving the existing drystone walls on the northern and southern field boundaries and planting hedgerow/scrub along the walls to strengthen the bat commuting corridors and gapping up the eastern boundary hedge;
  - ☞ moving the proposed eastern boundary screen bank to preserve the existing field boundary;
  - ☞ setting aside an area between the eastern screen bank and the eastern boundary hedge for use as a reptile/amphibian conservation area and receptor for translocated animals.
- All of the existing quarry, extension area and other land in the applicant's ownership adjoining the extension area would also be subject to long-term management for a total of 30 years following its restoration.

#### *Ecological Surveys*

10.82 The additional survey effort and assessment that was carried out in relation to bats, breeding birds and invertebrates together with the original survey

work has enabled an improved understanding of the potential impacts on species and habitats.

- 10.83 Bat activity surveys were conducted during the months of April - October 2021 using static detectors deployed along two commuting routes across the application site of the line of the coombe between the existing quarry and the proposed extension area, and an east/west crossing of the extension area that would be lost during the development. In addition, a walked transect was completed on individual nights in the months of May – October 2021. The combined activity surveys recorded a total of 14 bat species using the site. No bat roosts were identified but boundary habitats were used by foraging and commuting bats.
- 10.84 Additional breeding bird surveys completed in April – June 2021 of land outside the application site recorded a total of 35 bird species including 8 of conservation significance.
- 10.85 Invertebrate and moth surveys conducted between April and October 2021 recorded a number of species, including priority, Dorset Biodiversity Strategy and Red List species.

#### *Assessment of Ecological Effects*

- 10.86 The applicant's assessment of effects concluded that there would be appropriate creation of a range of new habitats during the development phase to ensure the continued ecological functionality of the site for bats. This would be secured through new areas of calcareous grassland and woodland, as well as the proposed planting alongside the drystone walls and gapping up of existing defunct hedgerows, to strengthen the linear habitat connectivity into the wider area for commuting bats. In addition, the creation of new habitats in areas adjacent to the application site would secure increased availability of habitat both for birds, and a range of invertebrates, early in the development schedule.
- 10.87 The production and implementation of a Landscape Ecological Management Plan (LEMP), to be secured by planning condition, would then introduce a programme of high quality and appropriate management of all retained, enhanced, and newly created habitats to increase their ecological functionality, and maintain high suitability for foraging and commuting bats, birds, invertebrates, and other protected and priority species, as the new areas mature.
- 10.88 No works are proposed within the SAC/SSSI, and protective working methods would be employed to safeguard the conservation interest, as well as other priority habitat areas (lowland mixed deciduous woodland and calcareous grassland) within the existing quarry. Best practice methods would be employed to ensure the protection of breeding birds, reptiles,

badgers and other priority species mammals, including appropriate translocation of any reptiles to the set aside area on the eastern edge of the extension area. Artificial lighting would also be minimised, with no illumination of the site overnight, and boundary habitat remaining unlit (especially around dusk), to reduce the potential for disturbance or displacement of light sensitive species.

- 10.89 The final predicted assessment of likely effects was that no negative significant effects would occur to important biodiversity receptors, including legally protected species and designated sites. In addition, the assessment is that the proposed habitat creation and restoration show a large-scale increase in the amount of distinctiveness habitats, which are likely to support a range of notable and legally protected species, that are known to use the site or be present in the wider local area, and overall, there would be a significant biodiversity net gain as a result of the proposals.

#### *Habitats Assessment*

- 10.90 The Council is required as competent authority to carry out an assessment of likely impacts on European or Ramsar sites that may potentially be affected by development proposals under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). The general purpose of the Habitats Regulations is to provide the means to ensure that sites of importance for nature conservation are protected from development. The assessment process involves a number of stages, the first of which is to determine whether the proposed development (alone or in combination with other projects or plans) is likely to have a significant impact on a European or Ramsar site. It is only if the relevant authority considers that there is likely to be a significant effect, that appropriate assessment of the development is required.
- 10.91 The applicant has provided (further) information on the potential effects from the quarry extension in terms of hydrology, displacement of recreation, species, proximity, land management, restoration measures and in-combination effects, and concludes that the proposed development would be unlikely to affect adversely, either alone or in-combination with other projects, the integrity of the Isle of Portland to Studland Cliffs and St Albans Head to Durlston Head SACs or the Dorset Heaths SAC and Heathlands Ramsar. In brief these conclusions are based on the following:
- The Hydrogeological Risk Assessment carried out in support of the application finds that the development is not expected to result in any deterioration in groundwater quality or movement through the underlying Portland Sand aquifer, and so there would be no negative effect on the water environment within the protected sites.
  - Users of the local rights of way network, including the promoted Purbeck Way that runs through the application site, are used to the presence of quarrying activity along the routes, and even if displacement were to

occur, it would be unlikely to affect the integrity of the sites, as they are already subject to a high level of public access.

- There would be some potential impact from mobile species, such as the Lulworth skipper butterfly and greater horseshoe bat that are interest features of the adjoining SAC, through a small loss of habitat within the extension area. However, mitigation measures are to be implemented early in the development to redress this loss, and the overall effect on species would not be significant.
- Both the St Albans Head to Durlston Head SAC and the Dorset Heaths SAC and Heathlands Ramsar are, at between 1.3 and 1.5 km from the extension area, some considerable distance away, and the Isle of Portland to Studland Cliffs SAC, whilst adjoining the existing quarry, is further away from the extension area (about 100 metres from the cutting at the nearest point). The noise and dust impact assessments supporting the application concluded that there would not be unacceptable impacts from potential emissions.
- The land management of the designated sites would not be directly affected by the proposals, and the long-term management of the restored areas of the application site and newly created habitats are likely to have a beneficial effect.
- There are no other development proposals in close proximity, and therefore there is unlikely to be any in-combination effects on the sites with other plans and projects.

10.92 It is agreed that the potential effects of the development proposal (including the temporary small loss of habitat within the extension area) would not be so significant as to be likely to affect adversely the integrity of local European or Ramsar Sites. Notably, Natural England has also not raised any concerns about the proposed development impacting the interest features or integrity of the designated sites, and the Environment Agency (EA) have withdrawn their original objection on the grounds of risks to the designated sites.

#### *Conclusions on Biodiversity Interest*

10.93 In summary on the potential ecological impacts of the proposed development, it is considered that substantial mitigation and compensation measures are proposed, and that, provided that the implementation and proposed long-term management of these measures are secured through a planning obligation and where appropriate through planning condition, there would not be an unacceptable impact on biodiversity, and that over time the proposals would enhance the local ecological network and provide biodiversity net gain. The Dorset Natural Environment Team have confirmed that the further information provided has addressed the outstanding issues relating to biodiversity, and whilst there has been no further written response from Natural England, it is understood from discussion with them that they also now have no objection.

- 10.94 Consequently, the application proposal would accord with the terms of MSP Policy MS-3, Minerals Strategy Policies PK2, DM1 and DM5, Waste Plan Policies 4 and 18, Purbeck Local Plan Part 1 Policies CO, BIO and D, NPPF paragraphs 174, 180 and 181, NPPW paragraph 7, and emerging Purbeck Local Plan Policies E7, E8 and E10 which require that development proposals should conserve and enhance biodiversity and not adversely affect the integrity of European, Ramsar or other internationally designated sites.

#### Local Amenity and Quality of Life

- 10.95 Minerals and waste developments can be seen as bad neighbours sometimes, as they have the potential to generate disturbance through dust, noise and other emissions, and objections have been received from local residents and businesses concerned about the potential impact on their health, livelihoods, living conditions, and amenity.
- 10.96 MSP Policy MS-3 states that any proposal for development of the site allocation will demonstrate that any adverse impacts will be mitigated to the satisfaction of the Mineral Planning Authority. Furthermore, Minerals Strategy Policies PK2, RS2, DM1 and DM2, Waste Plan Policy 13 and Purbeck Local Plan Part 1 Policy D require that any potential adverse impacts on amenity from operations are satisfactorily avoided or mitigated to an acceptable level.
- 10.97 A noise assessment, blast induced vibration study, and an air quality assessment have been submitted in support of the planning application, and an appraisal of these reports and their conclusions is outlined in the following paragraphs.

#### *Noise*

- 10.98 The noise assessment involved measuring baseline noise levels at five positions representative of the nearest dwellings to the site (South Street Kingston, Kingston Barn, Afflington Barn, Compact Farm and Renscombe Farm) and two locations on the Purbeck Way (the proposed crossing point and the south eastern corner of the extension area). The noise monitoring data corresponding to the permitted hours of working for the existing quarry was extracted to determine the baseline noise environment in the absence of the quarry. The potential noise generating activities were then identified worst case scenario, including the rock drill operating on the highest bench and plant associated with backfill operations, and noise levels at the receiver locations predicted. This showed that, noise levels (dB LAeq,1h, free field) at residential receiver locations would range as follows:
- “Normal operations” (mineral extraction, processing, infilling) = 39 – 44;
  - With rock drill activity = 40 – 51; and
  - Temporary works (soil stripping, bund construction etc.) = 38 – 52.
- all of which would be within the relevant National Planning Practice Guidance (NPPG) limits.

- 10.99 The NPPG provides two means of determining noise impacts; one relates specifically to mineral working activities and the other to any development that may create additional noise.
- 10.100 The first method is that the noise levels from normal mineral operations should not exceed the background noise level (LA90,1h) at noise sensitive properties by more than 10dB(A) during normal working hours. Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit should be 55dB LAeq, 1h (free field). Peak or impulsive noise, which may include some reversing beepers may also require separate limits independent of background noise, or other controls.
- 10.101 Increased temporary daytime noise limits of up to 70dB LAeq 1h (free field) for periods of up to 8 weeks in a year may be appropriate to facilitate essential site activities such as soil-stripping, soil storage mounds, construction and removal of screen bunds, site road construction and maintenance and restoration work.
- 10.102 The second method uses the following categories:
- Significant Observed Adverse Effect Level (SOAEL). This is the level of noise exposure above which significant adverse effects in health and quality of life occur.
  - Lowest Observed Adverse Effect Level (LOAEL). This is the level of noise exposure above which adverse effects in health and quality of life can be detected.
  - No Observed Effect Level (NOEL). This is the level of noise exposure below which no effect at all on health or quality of life can be detected.
- 10.103 As noise exposure increases and crosses the NOEL boundary it continues not to have an adverse effect, so long as the exposure does not cause any change in behaviour, attitude or other physiological response of those affected by it. The noise may affect the acoustic character of an area but not to the extent that there is a change in quality of life.
- 10.104 As the exposure increases further and crosses the LOAEL boundary the noise may start to cause small changes in behaviour, such as for example having to turn up the volume on the television or speaking more loudly to be heard. The noise therefore starts to have an adverse effect, and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits derived from the activity causing the noise).

- 10.105 If the noise exposure crosses the SOAEL boundary it causes a material change in behaviour, such as keeping windows closed for most of the time, or avoiding certain activities during periods when the noise is present.
- 10.106 The noise assessment identifies that the calculated site noise levels at residential receiver locations for “normal operations” are all lower than the SOAEL boundary, and at or below the NPPG suggested noise limits for mineral operations (of no more than 10dB(A) above background noise level (LA90, 1h).
- 10.107 With the rock drill in operation, for 4 of the 5 residential receiver locations the predicted noise levels would lie between the LOAEL and SOAEL. The background noise levels for these 4 receptors are between 33 and 35 dB LAeq, 1h. The guidance is that all reasonable steps should be taken to mitigate and minimise adverse effects, though this does not mean that adverse effects cannot occur. The predicted noise levels are also all below the total noise limit given in the NPPG for mineral operations (of 55dB LAeq, 1h free field). The noise assessment explains that the rock drill would be used for 3 or 4 days in every 3 months and for 12 to 16 days per year on the top bench in the extension area.
- 10.108 The following site noise limits (dB LAeq,1h, free field) at the residential receiver locations are therefore proposed:
- Normal operations = 45
  - Rock drill activity = 55 (and use of drill on top for bench up to 20 days per year)
  - Temporary works = 70 (for no more than 8 weeks in a calendar year)
- The noise assessment gives working hours for the extension area as 07:00 to 19:00, but this is in conflict with the hours given in the planning statement which are until 18:00, and would be more appropriate in the circumstances of the site.
- 10.109 For normal operations, which would be for the majority of the time, the noise limit of 45 dB LAeq,1h, free field reflects a 10 dB increase over the highest background value (of 35 dB LA90, T at Afflington Barn), and is lower than all the limits specified in the current quarry permission (and so an improvement). In relation to the other noise limits, these are in accordance with the NPPG advice for mineral working activities, and are for limited durations. The Environmental Health Officer is satisfied with the contents of the noise assessment and considers that the proposed noise limits are acceptable. With these controls secured by planning condition, according to the NPPG advice on noise exposure categories, the proposed operations may be noticeable at residential receiver locations but should not cause any change in behaviour or attitude.

- 10.110 For the Purbeck Way, given that it runs within about 65 m to the east of the extension area and beneath the proposed bridge crossing, the predicted noise levels are somewhat higher than those for the residential receiver locations. Worst case scenario with the rock drill operating on the uppermost bench, the calculated noise levels are between 46 and 60 dB LAeq, T. Measured background levels on the Purbeck Way with no rock drill, but with the processing plant operating (which would not represent the true baseline of no quarry operations at all) were in the range 41 to 47 dB LAeq, 15 mins. Therefore, the noise levels from the proposed development could raise ambient levels by more than 15 dB LAeq, T. The calculations included the proposed solid barriers to both sides of the vehicle bridge,
- 10.111 These noise levels clearly demonstrate that noise exposure for users on the Purbeck Way would cross the SOAEL boundary and the NPPG total noise limit for mineral operations, and would bear out the conclusions set out in paragraph 10.59 above that the proposed development would have a significant adverse effect on the ambience of the Purbeck Way and tranquillity of the AONB.
- 10.112 The applicant was asked to consider additional measures to reduce the effects of noise levels on users of the Purbeck Way, and a revised noise assessment considered the potential measures of increasing the perimeter bund height by 1 m (to 3 m in total) along the eastern edge of the extension area and introducing a roof over the bridge, but these measures would only reduce the calculated noise levels by 1 – 2 dB LAeq, T.
- 10.113 The noise assessment suggests that these adverse impacts are not dissimilar to a walker approaching and crossing the B3069 and being subject to road traffic noise. It is considered though that this is not an appropriate comparison. A walker would be expecting to experience an increased noise environment when approaching a public road, but would not necessarily be expecting raised industrial noise levels within the open countryside or depths of the coombe. The applicant has also provided the further information that the bridge would not be used every working day and probably on about 160 days in the year. It is also accepted that the Purbeck Way is probably mostly used on weekends and in the evenings when the bridge will not be used, or – on Saturdays – would have less use. (The applicant advises that although working hours at the quarry allow operations to be carried out on Saturdays, in reality little more than maintenance works or minor operations occur). However, these factors do not reduce the effects of noise emissions on the enjoyment of users of the Purbeck Way to acceptable levels.
- 10.114 It is unfortunate that the proposed development is likely to result in a significant adverse impact from an elevated noise environment for users of the Purbeck Way. However, it is not possible to avoid or adequately mitigate this detrimental effect on local recreational opportunities and as a

consequence, as has been explained at paragraphs 10.66 – 10.70 above, the applicant is offering to make a significant financial contribution to fund projects that would include schemes to address and offset such access/tranquillity impacts.

### *Vibration*

- 10.115 The blast induced vibration study provides the results of monitoring a typical instantaneous explosive charge weight of 80kg production blast initiated at the existing quarry in July 2019, and details the predicted vibration levels that would occur when blasting in the proposed extension area. The measurements showed that the worst case predicted vibration levels of between  $0.41 \text{ mms}^{-1}$  –  $2.92 \text{ mms}^{-1}$  at nearby sensitive receptors from blasting operations at any point in the extension area would be well within the vibration criteria of  $6 - 10 \text{ mms}^{-1}$  peak particle velocity at 95% confidence level that is recommended to address the need to minimise annoyance to local residents. The report recommends that a vibration limit of  $6 \text{ mms}^{-1}$  peak particle velocity is set (which is the limit that currently applies to the existing permission through a planning condition).
- 10.116 Furthermore, with such low vibration levels, accompanying air overpressure would also be very low and a safe level, although possibly perceptible on occasions at the closest properties. The applicant has also submitted the details of a number of good blasting techniques and practices that are employed at the existing quarry, and that would continue to be undertaken within the extension area.
- 10.117 The current permission for the existing quarry has a condition restricting the hours of blasting and the vibration limit (of  $6 \text{ mms}^{-1}$ ), and with replication of this condition with the exception that there should also not be any blasting on Saturdays (as proposed by the applicant in recognition of its noisier nature), and compliance with the details of good blasting techniques and practices, it is considered that the proposed development would have low potential to cause disturbance through vibration. It needs also to be noted that blasting events would only occur on about 8 occasions in any year.
- 10.118 With regard to representations received about lorries causing vibration in local residential areas, the lorries would be using the principal road network, and such use of public highways is not a matter within the control of the local planning authority.

### *Air Quality*

- 10.119 The air quality assessment clarifies that the mobile and fixed plant, and vehicle movements associated with the proposed development have the potential to generate dust and other airborne pollutants in the immediate vicinity of the application site, and that the likelihood of problems cause by such pollutants will be largely influenced by the effectiveness of on-site

environmental control. The applicant already employs a variety of industry best practice dust control measures as summarised below:

- bunds and overburden stores to be seeded;
- controlled use of fixed short haul routes;
- haul routes to be regularly maintained by grading to minimise dust generation;
- water to be used as required via site bowser;
- sprinkler system on the site access road;
- road sweeper to be used on site access road;
- speed controls to be implemented on all haul routes;
- drop heights to be minimised;
- mobile plant exhausts and cooling fans to point away from the ground; and
- all plant to be regularly maintained

and these measures will continue to be applied to the proposed development. It needs furthermore to be noted that the aggregate recycling operations and importation of restoration materials would be regulated under environmental permits, which would also separately require implementation of dust management plans.

10.120 The air quality assessment includes an analysis of wind speed and direction, rainfall data, values for typical dust fall and (PM<sub>10</sub> and PM<sub>2.5</sub>) particulate rates in the local area, and the scale of potential emission magnitude from the various sources of quarrying activity. The susceptibility of nearby sensitive receptors to dust and particulate dispersal is then assessed, and the conclusion reached that the continued operation of the site using the current best practice measures should not see a significant impact to the current air quality at the residential receptor locations.

10.121 It is noted that the Environmental Health Officer has no objection in terms of air quality, and considers that there are good dust control measures in place at the existing quarry. With the continued implementation of these secured by planning condition, the proposed activities would be unlikely to cause unacceptable levels of dust deposition beyond the application site or harm to local air quality.

#### *Conclusions on Local Amenity*

10.122 While it is considered that the proposal would give rise to some negative effects in terms of the local noise environment, vibration, and dust that may impact on local amenity, these effects would not be so significant as to justify reasons for refusal of the application, particularly when taking into account the compensation measures proposed and the great weight to be given to the benefits of mineral extraction as required by the NPPF (paragraph 211). As such, it is considered that the proposed development would be acceptable in terms of its individual effects on local receptors and complies with the

requirements of MSP Policy MS-3, Mineral Strategy Policies PK2, RS2, DM1 and DM2, Waste Plan Policy 13, Purbeck Local Plan Part 1 Policy D, NPPF paragraphs 174, 185, 186 and 211, NPPW paragraph 7 and emerging Purbeck Local Plan Policy E12 which seek to ensure that the harmful effects of noise, vibration, dust and particle emissions are adequately controlled or mitigated.

#### Public Rights of Way

- 10.123 MSP Policy MS-3 requires that any proposal for development of this allocation must address the development guidelines for the site, which require, amongst other things, that all impacts on the bridleway south and east of the site is assessed with mitigation identified and implemented. Mineral Strategy Policies DM1, DM4 and DM8 also seek to protect the local amenity value of the countryside and landscape.
- 10.124 There are both a number of existing and proposed public rights of way that would be affected by the proposals. The degree of impact on the enjoyment and recreational value of these rights of way and the proposed means of moderation have been described in preceding paragraphs.
- 10.125 However, in relation specifically to the delay in provision of new additions to the network committed within the existing quarry permission upon restoration, it is noted that whilst these new routes are shown as to be provided on the existing approved restoration plan, there is currently no mechanism in place to provide for their ongoing availability for use. It is proposed therefore that a further obligation within the Section 106 agreement should be that the new footpaths, which are as shown (by dotted mauve lines) on the Composite Restoration and Habitats Plan appended to this report, are made available for access by members of the public for at least the same duration as the proposed period of long-term management of the finally restored quarry site.
- 10.126 The proposals are that there would be a number of circular walks of varying length and levels of recreational challenge within the area of the restored existing quarry, which users could access by different means. People could drive and park in the new car park at the former quarry site entrance, or they could take a detour from the existing rights of way network either from the Purbeck Way, or from the public footpath (SE29/20) to the east of the quarry. The paths would be available to the public ideally at all times for at least the duration of 30 years following final restoration of the quarry. A mechanism would though need to be in place entitling the applicant to restrict user rights in the event that the use gave rise to unacceptable levels of disorderly or antisocial behaviour. The precise details of this are still to be agreed with the applicant and would be set out within the terms of the Section 106 agreement, but it is anticipated that they would include the applicant closing access gates to limit hours of use and/or for periods of time to investigate

and address the source or reasons for the nuisance in cooperation with the local community. Securing the ongoing use of this provision in the longer term would provide suitable compensation for the detrimental effect on the amenity value of the local area, caused by the delay in provision of new recreational opportunities.

10.127 An additional important factor for consideration in terms of existing public rights of way is the mechanism for spanning the Purbeck Way in installing the proposed bridge crossing, to ensure that there would be no obstruction to the safe free passage of the public along the route. The original proposals envisaged that the construction works would require temporary closures of the bridleway. However, revised plans have now been submitted which provide more detailed methodology of the proposed bridge construction, which would no longer require any closure of the bridleway. The revised plans were produced in consultation with the Rights of Way officer and confirm that:

- appropriate signage would be erected to give users of the bridleway advance notice of the works;
- marshals would be used to ensure that works are paused to allow users to pass through safely;
- the bridleway would be kept clear from obstructions at all times; and
- the surface of the bridleway would not be adversely affected during the stream and base works.

In addition, the bridge would be enclosed with solid wooden sound absorbing walls, to screen views of vehicles crossing, and to reduce associated noise.

10.128 It is acknowledged that even with these measures in place there is likely to remain a direct effect on the enjoyment by the general public of this part of the Purbeck Way. Nevertheless, use of the bridleway would be protected and with moderation of the impacts through compensatory environmental enhancements funding in place, the application proposal would not conflict to an unreasonable degree with MSP Policy MS-3, Mineral Strategy Policies DM1, DM4 and DM8, NPPF paragraph 100, and emerging Purbeck Local Plan Policy I2 in respect of the need to protect public rights of way affected by the proposals and which contribute to the quality, character and amenity value of the countryside.

#### The Water Environment

10.129 MSP Policy MS-3 stipulates that any proposal for development of this allocation must address the development guidelines for the site, which specify, amongst other things that any potential risks to the water environment and any necessary mitigation, particularly for possible impacts on Kingston's water supply and local private abstractions will be required.

10.130 Mineral Strategy Policies DM1 and DM3, Waste Plan Policies 16 and 17, Purbeck Local Plan Part 1 Policies FR and GP provide for avoidance of adverse impacts on the water environment and flood risk

#### *Flood Risk*

- 10.131 A site-specific flood risk assessment accompanies the planning application which identifies that:
- the entire site is in flood zone 1 (i.e., land at least risk of flooding);
  - there is no or negligible potential for flood risk from any source to occur at the site;
  - the mineral working and processing operations are classified as less vulnerable development in terms of flood risk;
  - in light of the above circumstances the application of the sequential and exception tests is not required; and
  - there would be no increased off-site flood risk as a result of the proposal.

#### *Groundwater Risk Assessment*

10.132 The EA originally objected to the proposed development on the grounds of risks to controlled water in relation to the impact on local licensed water supplies from the use of inert fill for site restoration. A hydrological and hydrogeological impact assessment (HIA) submitted with the original application identified that the site is in an area designated to be of “High Vulnerability” to percolation of contaminants from the surface to groundwater, and suggested that in view of the sensitive nature of the local hydrogeological system a Hydrogeological Risk Assessment (HRA) would be provided to support the (subsequent) environmental permit application, and that it would define the measures require to protect groundwater quality from the risks posed by infilling, including the need for engineered augmentation of the natural attenuation if required to ensure containment. The assumption of the HIA was that the EA had not identified a regulatory need for containment engineering within the existing quarry and there was good evidence that existing controls had been effective, though it was acknowledged that the permit application process should examine the need for engineered attenuation given the proximity of the down-gradient spring sources, from which licensed abstractions are made for water supply to the Encombe Estate and properties in Kingston.

10.133 However, in this case where the development proposal was being considered on the basis that the original land profile would be reinstated (and would only likely to be found acceptable in these circumstances given the development guidelines for the site allocation), the likely risk to the water environment from the use of imported fill materials, and measures required to address it, should not be left to the environmental permit application stage, but needed to be fully considered in determination of the planning application.

- 10.134 As a result, further work was carried out by the applicant and a detailed Hydrogeological Risk Assessment (HRA) provided. The HRA identifies that there are seven springs licensed for abstraction to a private water supply and distribution system operated by the Encombe Estate (the “reticulation system”). Three of these springs are located within Hill Bottom<sup>1</sup> - the continuation of Coombe Bottom to the south west of the existing quarry, whilst the other four are located further to the west in Westhill Combe. The three springs in Hill Bottom are the ones of primary interest, due to potential changes to the groundwater flow regime resulting from changes to catchment recharge distribution and risk to quality of the water during operation and restoration of the proposed development.
- 10.135 A series of additional investigative and monitoring works were completed to facilitate collection of flow data within the Hill Bottom watercourse, and this has enabled an improved understanding of the groundwater flow paths and velocities in the locality. The details are presented within the HRA, which concludes that significant water management measures would not be required. It is nevertheless recommended that perimeter open drainage channels are included within the restoration landform along the eastern and southern flanks of the infill area, to comprise features isolated from any downstream drainage, and designed to receive any excess runoff from the restored infill area. All incidental rainfall would thus be returned to the aquifer in the catchment uphill of the Hill Bottom abstraction points in accordance with the prevailing situation, and as such the placement of infill materials would not be expected to result in any significant alteration in down gradient flow paths or patterns as a result of the local redistribution of rainfall runoff. These proposed open drainage channels (swales) have been incorporated in the restoration design as shown on the new Composite Restoration and Habitats Plan.
- 10.136 In respect of risk to water quality, the findings of the HRA indicate that, with adherence to Waste Acceptance Criteria and a liner or geological barrier, the proposed infill is not expected to result in any negative impact on the wider water environment or springs in Hill Bottom. However, because the licensed abstraction points are for potable supply, are located down hydraulic gradient from the extension area, and emerge from an aquifer where fracture flow is possible, there is additional sensitivity. As a consequence, the applicant has been in discussion with the Encombe Estate and has agreed to implement a series of works to re-order the current spring capture and distribution system, so that the potable supply from Hill Bottom is isolated and only used for amenity use (top-up for the Encombe lakes). The Estate is confident that sufficient drinking water supply can be met from the Westhill Combe abstraction points.

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<sup>1</sup> The HRA refers to this as “Quarry Coombe”.

- 10.137 An abstraction licence variation would be required from the EA for the removal of the three spring sources in Hill Bottom from potable water supply, and it is understood that the EA has no in principle objection to the licence variation. Nevertheless, as the whole quarry development scheme is dependent on the successful infill of the site to reinstate it to pre-existing ground levels, the licence change and the necessary infrastructure would have to be in place before the EA would be satisfied that the risk to the licensed water sources due to the infill had been removed. Given also that the licence variation application would need to be made by a third party (the Encombe Estate), it is proposed therefore that any grant of planning permission is subject to a Grampian condition that precludes any development taking place until the necessary measures have been achieved.
- 10.138 The applicant has agreed to such a condition, and it is considered that it would meet the necessary tests. Whilst the issue does not relate to the initial quarrying (because all of this would take place above the water table), but to the potential risk from the subsequent backfilling, the development proposal is being assessed on the basis that the void would be backfilled. Clearly, extraction only without backfilling (because of a potential pollution risk) would present an entirely different form of development with other impacts that would not have been appropriately assessed.
- 10.139 In relation to the NPPG advice that there should be a real likelihood that the action will be performed within the time limit imposed by the permission, the applicant has confirmed that this would be the case. Even so, case law makes clear that this (Government) policy is not mandatory, and if a Grampian condition is imposed precluding (any) development taking place until the condition is met, then this would still meet the tests, because if the works are not undertaken within the time limit, the permission would just lapse with no adverse implications.
- 10.140 In summary therefore, with the proposed Grampian condition, the application scheme would comply with MSP Policy MS-3, Minerals Strategy Policies DM1 and DM3, Waste Plan Policies 16 and 17, Purbeck Local Plan Part 1 Policies FR and GP, NPPF paragraphs 152, 167 and 174, NPPW paragraph 7, and emerging Purbeck Local Plan Policy E4 which require that development proposals do not have unacceptable impacts on groundwater resources and do not lead to increased flood risk.

#### Highways Impacts

- 10.141 A degree of local concern has been raised about the volume of traffic associated with the proposed development, and that this will be detrimental to highway safety, add to congestion, and cause an inhospitable and polluting environment for those living on and using local roads that are considered unsuitable for use by lorries.

- 10.142 MSP Policy MS-3, Minerals Strategy Policies CC1, PK2, DM1, DM2 and DM8, Waste Plan Policies 12 and 13, and Purbeck Local Plan Part 1 Policy IAT require that development proposals should not give rise to unacceptable impacts on the highway network or amenity from transportation and that emissions generated from traffic are minimised.
- 10.143 To be clear, the traffic that would be generated by the proposal is a continuation of the same level of HGV movements that is permitted under the existing permission, which provides for a maximum of 96 movements on any day - with no more than 75 movements on 90% of working days within a 13-week period – and a total of 13,200 movements in any calendar year. There is no proposal to increase the number of lorries associated with the site.
- 10.144 The transport statement provided in support of the proposal describes the existing site access arrangement and confirms that it meets the relevant standards. It then provides a review of new survey information and historic data, which shows that the impact of traffic from Swanworth on the local road network is not significant when assessed in the context of local activity, and that at many places the peak hours of demand/vehicle activity occur when the quarry is closed. Having also considered the accident data, the transport statement found that the road network has a good safety record involving HGVs, which suggests that the existing infrastructure is of a suitable standard to accommodate such vehicles.
- 10.145 The Transport Development Liaison Officer has reviewed the submitted information and finds that the proposals would not present a material harm to the transport network or to highway safety subject to the continuation of the current rates of extraction as proposed.
- 10.146 No change is anticipated to the current rates of extraction within the application scheme. Nevertheless, it is considered more appropriate to continue the same level of control on traffic generation as currently exists, through a planning condition restricting the number of HGV movements, given that the development also entails elements of waste development (aggregate recycling and import of waste for restoration purposes). The transport statement confirms that there are benefits from the synergies of these different activities, in that waste materials are often brought to the site on a back-haul basis, whereby having imported inert material the HGV would be loaded with limestone or recycled aggregate for the outbound journey (or vice versa), thereby reducing travel distances and the impact of HGVs in the local network.
- 10.147 In relation to the points raised in the consultation response from Corfe Castle Parish Council, the Transport Development Liaison Officer has confirmed that it would not be justifiable to impose a levy on the quarry traffic as there is

a right to pass and re-pass on the public highway, and that issues such as lorry weights and speeds are Highways matters and are outside of planning controls. Further, the local environmental and/or cycle route/ footpath projects identified by the Parish Council may potentially be suitable schemes for financing from the environmental enhancement fund.

- 10.148 The NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the proposed development would generate significant amounts of HGV movement, it is not considered that it would be to such a level as to have an unacceptable impact on the safety, efficiency and quality of the local highway network, or on local residential and environmental amenity to the extent that it could be classed as severe.
- 10.149 In conclusion therefore, with the proposed condition, the development proposal would accord with MSP Policy MS-3, Minerals Strategy Policies CC1, PK2, DM1, DM2 and DM8, Waste Plan Policies 12 and 13, Purbeck Local Plan Part 1 Policy IAT, NPPF paragraphs 110 – 113, NPPW paragraph 7, and emerging Purbeck Local Plan Policy I2 which seek to ensure that the traffic implications of development proposals are acceptable, and emissions generated from traffic are minimised.

#### The Historic Environment

- 10.150 MSP Policy MS-3 sets out development guidelines for the site allocation which highlight the importance of the surrounding historic landscape and how working and restoration should minimise impacts on it.
- 10.151 Minerals Strategy Policy DM6 requires that proposals for minerals development proposals outside the boundary of the World Heritage Site but which could affect the Site must demonstrate that there will not be any impacts on the Outstanding Universal or integrity of the Site.
- 10.152 Minerals Strategy Policies DM1 and DM7, Waste Local Plan Policy 19 and Purbeck Local Plan Part 1 Policy LHH seek to conserve and enhance the significance of heritage assets and to protect other non-designated historic assets.

#### *Designated Heritage Assets*

- 10.153 A cultural heritage assessment provided in support of the application considers the effects of the proposed development within the extension area on the significance of the following designated heritage asset, including their settings:
- Dorset and East Devon Coast (The Jurassic Coast) World Heritage Site;

- Four Bronze Age round barrows, a Romano-British settlement and field system, and areas of medieval cultivation lynchets Scheduled Monuments;
- A number of listed buildings, or groups of listed buildings and the Worth Matravers and Kingston Conservation Areas; and
- The Grade II\* Encombe Registered Park and Garden.

10.154 The assessment concludes that only the four barrows would potentially experience any effect on their setting. The four barrows form a group of prehistoric monuments, two of which are still prominent in the landscape, whilst two have been affected by ploughing such that they are no longer visible as earthworks. The assessment states that their visual inter-relationship was probably important at the time of construction, as was their topographical location and possibly visual link to the sea, but that none of these visual factors or the significance of the assets would be affected by the proposed development.

10.155 With regard to the requirements of the Mineral Sites Plan development guidelines that:

- there should be no quarrying within the sightline between the barrows either side of the extension area;
- the access to the extension is lowered below the eyeline;
- no working in the barrow field itself; and
- restoration to current ground levels

these are met by the design of the application scheme. It is noted also that Historic England do not disagree with the applicant's assessment of effects on the designated heritage assets and supports the application on heritage grounds.

#### *Archaeological Interest*

10.156 The archaeology of the extension area was assessed by geophysical survey, field walking, and trial trenching.

10.157 The geophysical survey identified a number of anomalies, of which the most notable was an annular structure of about 17 m diameter that was interpreted as a Bronze Age burial structure.

10.158 The field walking revealed a number of artefacts from several periods comprising struck flint/chert (earlier prehistoric), pottery (late prehistoric, Roman, and post-medieval), masonry, brick/tile and burnt flint.

10.159 The trial trenches were opened to test the anomalies identified in the geophysical survey, concentrations of finds recovered during field walking, and also blank areas. Apart from the circular anomaly all the others turned out to be underlying bedrock geology emerging from overlying clays. The circular anomaly was confirmed as a ploughed-out barrow with an encircling

ditch. Items such as Middle Bronze Age pottery as well as worked flint of a similar date were recovered from the site. No further slots were excavated within the feature as it was thought better to be subject to full excavation. Only one other of the trenches 75 m to the north of the barrow contained significant archaeology. Sherds of Middle Bronze Age pottery from four vessels in good condition, and a flint scraper, and animal bone were found.

- 10.160 The cultural heritage assessment proposes that a 1.5 ha area to include both archaeological features should be the focus of archaeological excavation, and that a watching brief should be held in the northern field where a blanket of colluvium will have protected any archaeology from ploughing.
- 10.161 The Council Archaeologist's review of the submitted information concludes that evaluation of the site has been undertaken to an appropriate standard, and that it is important that the Bronze Age remains that were found are recorded to an appropriate standard prior to any commencement of quarrying.
- 10.162 Subject to appropriate planning conditions, including a written scheme of investigation, to secure the further archaeological excavation and a watching brief, it is considered that the application proposal would meet the tests for conserving archaeological interest, and that there would not be any harm to the significance of designated assets in accordance with the requirements of MSP Policy MS-3, Minerals Strategy Policies DM1, DM6 and DM7, Waste Local Plan Policy 19, Purbeck Local Plan Part 1 Policy LHH, NPPF paragraphs 194 – 195, 197, 199, 203 and 205, NPPW paragraph 7, and emerging Purbeck Local Plan Policy E2.

#### Restoration, Aftercare and After Use of the Site

- 10.163 MSP Policy MS-3 identifies through development guidelines for the allocation the details of a restoration vision for the site. Minerals Strategy Policies RS1, RS2 and DM1 and Waste Plan Policies 16 and 23 furthermore provide for high quality restoration of minerals and waste developments in a timely manner to appropriate after uses with best use of available soil resources and maintenance of the restored site.
- 10.164 A key objective of the restoration vision for the site (as set out in the development guidelines for the allocation) is that the worked-out void should be reinstated to original ground levels, both to conserve the strong local landscape character and attributes, and to preserve the cultural heritage context of the area. Further elements of the vision are the protection, retention and enhancement of historic field patterns, the creation of new calcareous grassland areas - linking in with adjacent limestone grassland where possible, and a nature conservation after use, including opportunities for linking to and/or extending the public rights of way network.

- 10.165 All of these ambitions it is considered have been achieved through the design of the application scheme and the manner in which it has been developed through the application process. A number of existing dry-stone walls are to be strengthened early on the development, which will also assist biodiversity interest. The restoration scheme now shows that the majority of the extension area together with adjoining land (not to be worked but in the applicant's ownership) is to be developed as calcareous grassland. There is also to be integration with other newly created calcareous grassland, semi-natural grassland and lowland scrub areas, which would strengthen linkages to adjacent limestone habitats and their conservation objectives. Finally, the proposed new footpaths within the existing quarry once it is fully restored, that would connect to the local public rights of way network, including the Purbeck Way, would provide a new and enhanced recreational resource for the local area.
- 10.166 In relation to existing soil resources, the soils report of the extension area submitted in support of the application identifies that the agricultural quality of the land is predominantly not best and most versatile (BMV), although there is a spine of grade 3a (approximately 4.8 ha) that runs through the middle. Most of this land would be restored as calcareous grassland. Nevertheless, there is a strip beyond the northern most dry-stone wall that is proposed as agricultural land, and the topsoil from the spine area could be redistributed to this land to increase its agricultural quality.
- 10.167 The application scheme includes appropriate methods for stripping, storage, management, and re-spreading of the materials in restoration of the site, in accordance with best practice methods to ensure that the quality of the soil resource is maintained. The implementation of these methods and the requirement to retain and use all existing soil and overburden materials at the site should also be secured by planning condition.
- 10.168 The extension area is furthermore to be worked in an appropriately phased manner with restoration progressing concurrently. Representations have been received that each phase should only be allowed to proceed provided the previous one has been completed satisfactorily. The reasons behind this are appreciated, because concerns have also been expressed about uncertainty as to the likelihood of whether the quarry would be filled in, leaving a scar on the landscape. However, the Council has to determine the planning application as presented to them. The applicant has existing experience of sourcing material for restoration purposes and there is no good reason to doubt that the development cannot be completed as proposed. In addition, given the need to provide access continually from the existing quarry through to the final (northern) phase 3 of the extension area, it would not be possible to fully restore previous phases – though the plans do show that as much of the earlier phases as possible would be restored whilst

working (final) phase 3. Naturally, once the extension area is finally worked out, infilling/restoration operations would then need to proceed from phase 3 southwards and back out of the extension area, and in so doing complete the remaining areas of phases 1 and 2 and the access cutting in the ultimate stages of the development.

- 10.169 Nevertheless, it is recommended that measures are put in place by planning condition in order to safeguard against the possibility that insufficient restoration materials can be sourced, and the eventuality that the void space would therefore not be reinstated to original levels. These measures would be that periodic surveys are required to be conducted to determine the progress with restoration and the quantity of available infill materials. The results of these surveys would then be compared with the development plans, that show the indicated restoration extent and balance of materials stored within the existing quarry pending their use, for each phase of the development - at removal of overburden and at removal of minerals, and should there be any significant shortfall in the availability of restoration materials, the permitted depth of ongoing mineral extraction would be adjusted, in order to ensure that there would be no ultimate harm to the special qualities of the local area.
- 10.170 Finally, as has already been discussed in previous paragraphs, the applicant is proposing to extend the statutory aftercare period (of five years) for restored areas by an additional 25 year long term management period and to carry out 30 year long term management for other newly created habitat areas, and that after use of the vast majority of the site would be for nature conservation with new some new public recreational opportunities.
- 10.171 Accordingly, the proposed development, as controlled by appropriate planning conditions and Section 106 obligations, would conform with MSP Policy MS-3, Minerals Strategy Policies RS1, RS2 and DM1, Waste Plan Policies 16 and 23, NPPF paragraphs 174 and 211, and NPPW paragraph 7 that seek to secure high quality restoration of minerals and waste developments at the earliest opportunity, including suitable use of existing available soil resources, to an appropriate after use with long term maintenance and enhancement of the environment. It is furthermore considered that these are important benefits that should carry significant weight in favour of the application scheme in the planning balance.

## **11. Conclusion**

- 11.1 The application is for an extension to Swanworth Quarry to enable extraction of a further 2.4 million tonnes of limestone aggregate over 20 years with importation of inert waste material for restoration of the void space to original levels. A new bridge would be constructed across a coombe (and the Purbeck Way) for access to the extension area, and the existing quarry

infrastructure would continue to be used. Parts of the existing quarry would also be used for continued aggregate recycling and for stockpiling of overburden and soils stripped from the extension area.

- 11.2 The proposed extension area is a site allocation (Policy MS-3) for the supply of crushed rock in the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan. The site allocation development guidelines have been addressed to the satisfaction of the planning authority taking into account mitigation measures and proposed conditions, and the development proposal is considered to meet the requirements of other relevant Development Plan policies in relation to aggregate recycling and use of inert waste for restoration purposes.
- 11.3 The application site is located within the Dorset AONB and is major development. In accordance with the requirements of the NPPF, an assessment has been carried out of the need for the development, the potential for providing the development in some other way, and detrimental effects on the environment, landscape and recreational opportunities. It is considered that the development would have substantial benefits through ensuring an adequate and steady supply of aggregate and waste management provision in a suitably sustainable manner to meet local needs, and would provide valuable support to the local economy as a source of stable employment and in influencing local supply chains. Furthermore, given the particular circumstances applying to Portland crushed rock production, there is a strong case for maintaining an alternative source of crushed rock in this part of the county and the demand could not be met in a viable or sustainable manner from outside the AONB.
- 11.4 In respect of the third factor, it is considered that adverse landscape and visual effects would arise from the proposed development. Due to its scale and duration the proposed development would have significant long-lasting adverse effects on the special qualities of the AONB and the highly valued Purbeck Heritage Coast, and this would not be changed by the proposed mitigation measures. There would be harm to visual amenity from several public viewpoints and a direct impact on the recreational amenity of users of the Purbeck Way through the application site (and beneath the bridge crossing). In addition, due to the continuation of operations, there would also be ongoing associated traffic movements that would detract from the tranquillity of the AONB, though this would be moderated somewhat by the fact that a quantity of HGV movements to/from the quarry are journeys within Purbeck.
- 11.5 Whilst the development is not permanent and the land would eventually be reinstated, the projected lifespan is not sufficiently short to negate the significance of effects that would arise. In light of this position the applicant has agreed to fund off-site environmental enhancements in order to offset the

detrimental effects on the landscape, visual amenity and recreational opportunities that would arise from the proposed development.

- 11.6 Taking into account the benefits of the development together with the means by which detrimental effects are proposed to be moderated, and having given great weight to the purpose of conserving and enhancing the natural beauty of the AONB, it is considered that there are exceptional circumstances to justify the proposed development and that it would be in the public interest.
- 11.7 The application scheme incorporates a range of ecological mitigation and compensation measures to be secured through a planning obligation and conditions, including the provision and long-term management of newly created habitat areas on land adjoining the application site. As such there would be no significant negative impacts on important biodiversity receptors, and over time the proposals would lead to enhancement of the local ecological network and provide biodiversity net gain.
- 11.8 A Habitats Assessment has concluded that the potential effects of the development would not be so significant as to be likely to affect adversely the integrity of local European or Ramsar Sites, either alone or in combination with other projects.
- 11.9 Noise, vibration, and air quality assessments show that there is already good control in place at the existing quarry, and that proposed operations would be within acceptable limits. With these controls and limits secured by planning condition, the development would therefore not cause harm or nuisance to local residential amenity.
- 11.10 The proposed means of construction of the bridge crossing would ensure that the Purbeck Way would remain open for safe free passage of the public throughout. There would remain a direct effect on the ambience and enjoyment of the route. However, this needs to be balanced against the great weight to be given to the benefits of mineral extraction as required by the NPPF. In addition, the obligations to commit in the longer-term to provide additions to the public rights of way network through the restored quarry, together with the proposed environmental enhancement funding that would also be available for recreational/access projects, would provide some compensation for the detrimental effect on the amenity value of this recreational resource.
- 11.11 There is negligible potential for any increased flood risk as a result of the proposal, and the quarrying operations, being entirely above the water table, would also not affect local water quality. However, the hydrogeological risk assessment has identified a potential risk from the subsequent infill operations to down-gradient spring sources in Hill Bottom, from which

licensed abstractions are made for water supply to the Encombe Estate and properties in Kingston.

- 11.12 As a consequence, the applicant is proposing to carry out a series of works to enable removal of these abstraction points from the potable supply and enable a variation to the abstraction licence to be made. There is confidence that the drinking water supply can be adequately maintained through the remaining abstraction points, but as the proposed development scheme is dependent on the successful infill of the site to reinstate it to pre-existing ground levels, the licence change and the necessary infrastructure would have to be in place before quarrying commences in order to be satisfied that the risk to the licensed water sources due to the infill had been removed. A Grampian condition, that precludes any development taking place until the necessary measures have been achieved, would therefore be needed. The applicant has agreed to such a condition, which would meet the necessary tests and would ensure that there would be no adverse implications in terms of the local water environment.
- 11.13 The application proposes the same level of HGV movements that is permitted under the existing permission, and there is a degree of local concern about the effects of this traffic continuing in terms of highway safety, adding to congestion and causing an inhospitable and polluting environment on local roads that are not suitable for use by lorries. The transport statement supporting the application found that the impact of traffic from Swanworth in terms of capacity is not significant, and that the local roads had a good safety record indicating that the existing infrastructure is of a suitable standard to accommodate HGVs. Whilst the proposed development would generate significant amounts of HGV movement, there would be benefits from synergies between the quarrying and waste operations, in that lorries importing waste materials would be loaded with aggregate for their outbound journey or vice versa, and it is considered that there would not be an unacceptable impact on the safety, efficiency and quality of the local highway network, or on local residential and environmental amenity.
- 11.14 In relation to the historic environment, the conclusion has been reached that there would be no harm to the significance of designated assets, because the scheme incorporates appropriate measures to ensure that the workings would not affect the assets or their settings. As for archaeological interest, the evaluation work has been undertaken to an appropriate standard, and planning conditions would secure the recommended further archaeological excavation and watching brief. Accordingly, the proposals would be acceptable in terms of their effects on the historic environment.
- 11.15 All of the objectives of the restoration vision for the site (as set out in the allocation development guidelines) have been met through the design of the application scheme and/or the manner in which it has developed through the

application process. The worked-out void would be reinstated to original ground levels, both to conserve the strong local landscape character, and to preserve the cultural heritage context of the area. A number of existing dry-stone walls would be strengthened early in the development, which would be in the interests both of the historic environment and biodiversity value. The majority of the extension area together with adjoining land is to be developed for calcareous grassland, together with integration of semi-natural grassland and lowland scrub, to link in with adjacent limestone habitats and the conservation objectives of designated sites, and there would be new extensions to the public rights of way network.

- 11.16 With regard to existing soil resources, the extension area is predominantly not best and most versatile (BMV) agricultural land, and the topsoil from the area that is grade 3a could valuably be redistributed to the parcel of land that is to be restored to agriculture (and not limestone habitat). Appropriate methods for stripping, storage, management, and re-spreading of the materials in accordance with best practice could also be secured by planning condition.
- 11.17 The extension area is furthermore to be worked in an appropriately phased manner with restoration progressing concurrently, and measures could be put in place by planning condition to monitor progress with securing sufficient restoration materials, and so ensure that the void space would be fully reinstated to previous levels and not leave a scar on the landscape.
- 11.18 All of these measures, together with the proposed 30-year long term management of the site, and proposed nature conservation after use, including new public recreational opportunities, would ultimately enhance local amenity, generate biodiversity net gain, and support the special qualities of the area. It is considered that these are important benefits that should be weighed in the balance in favour of the application scheme.
- 11.19 Taking all of the above matters into account, it is considered that the development proposal accords with the development plan as a whole and that there are no material considerations which indicate that planning permission should not be granted.

## **12. Human Rights Implications**

- 12.1 The provisions of the Humans 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:
- Article 8 – Right to respect for private and family life and home; and
  - The First Protocol, Article 1 – Protection of Property.

12.2 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 public interest, the view is that any effect on human rights does not outweigh the granting of planning permission in accordance with adopted and prescribed planning principles.

### **13. Public Sector Equalities Duty**

13.1 As set out in the Equalities Act 2010, all public bodies in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

13.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into account the requirements of the Public Sector Equalities Duty.

### **14. Statement of Positive Involvement**

14.1 In accordance with paragraph 38 of the NPPF, the Council, as local planning authority, takes a positive and proactive approach to development proposals. The Council has worked with the applicant/agent in a positive and proactive manner by:

- providing an update of any issues as they arose in the processing of the application;
- suggesting solutions to potential planning issues; and
- providing the applicant with the opportunity to address issues so that a positive recommendation to grant planning permission could be made.

### **15. Recommendation:**

15.1 That the Committee be minded to grant planning permission with the conditions below, subject to the completion first of a Section 106 agreement to secure the following obligations:

- The development of 12.29 hectares of land adjoining the existing quarry for the creation of new and enhancement of existing habitats;

- Long term (30 year) management of all restored and proposed newly created habitat areas including the existing quarry;
- New footpaths to be created within the existing quarry to be made available for access by the public for at least the same period of long-term management as the finally restored quarry site.
- A financial contribution to fund compensatory environmental enhancement measures of:
  - ☞ an initial payment of £150,000 upon implementation of the development;
  - ☞ an annual payment of £7,000 index linked for the duration of the development.
  - ☞ with a board established to consider applications for funding for projects aimed at providing environmental enhancement measures form the contribution and to make recommendations to the Council.

Or

Refuse planning permission if the agreement is not completed by 21 April 2023 or such extended time as agreed by the Head of Planning.

## 16. Conditions

### Commencement of Development

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended)

### Approved Plans and Details

2. The development shall not be carried out other than in accordance with the following plans and drawings:
  - Site Location Plan Drawing no.: 2620-4-4-4/LV-0001/S5-P2
  - Application Area Plan Drawing no.: 200407dwg01a
  - Expected Main Quarry Topography Before Extension Drawing no.: 191128-00144-1
  - Swanworth Bridge Construction Drawing nos.: 1923-PWD-DRG-005-01 to 07
  - Bund Cross Sections Drawing no.: 2620-4-5-1/AP-0008/S4-P3
  - Revised Initial Development Plan Drawing no.: 210804-10A
  - Initial Development Removal of Mineral Drawing no.: 191128-00144-3
  - Phase 1 Removal of Overburden Drawing no.: 191128-00144-4
  - Phase 1 Removal of Mineral Drawing no.: 191128-00144-5
  - Phase 2 Removal of Overburden Drawing no.: 191128-00144-6
  - Phase 2 Removal of Mineral Drawing no.: 191128-00144-7

- Phase 3 Removal of Overburden Drawing no.: 191128-00144-8
- Phase 3 Removal of Mineral Drawing no.: 191128-00144-9
- Restoration Landform Drawing no.: 200319-00144-10
- Delayed Restoration Habitats Drawing no.: 2620-4-5-2/DR-0001/S4-P1
- Potential Additional Habitat Areas Drawing no.: 2620-4-5-2/DR-0003/S4-P3
- Habitat Areas Drawing no.: 2620-4-5-2/DR-0008/S4-P2
- Permitted & Proposed Recycling Area Drawing no.: 2620-4-1-4/DR-0001/S4-P2
- Composite Restoration and Habitats Plan Drawing no.: 2620-4-5-3/DR-0007/S4-P4

and details and schemes hereby approved under the requirements of the following conditions.

Reason: To ensure that the development is carried out as proposed and in accordance with Policy MS-3 of the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan.

#### Protection of Local Water Supplies

3. The development hereby permitted shall not be implemented unless the abstraction licence variation for the Encombe water supply, comprising the removal of the three spring sources in Hill Bottom (Licence 13/44/003/S/012 Springs 1-3) from potable water supply, has been granted by the Environment Agency. The Mineral Planning Authority shall be provided with a copy of the licence variation within seven days of it being granted.

Reason: To safeguard the potable water supply to the local community served by the Encombe source and comply with Bournemouth, Christchurch, Poole and Dorset Waste Plan Policy 16.

#### Landscape and Ecological Management Plan

4. Prior to commencement of the development a Landscape and Ecological Management Plan (LEMP) in line with the standards set out in BS 42020:2013 Biodiversity – Code of Practice for Planning and Development shall be submitted to and agreed in writing by the Mineral Planning Authority. The LEMP shall provide details of the management of all existing and proposed planting and habitat areas at the application site and on adjoining land in the ownership of the applicant as shown on Composite Restoration and Habitats Plan Drawing no.: 2620-4-5-3/DR-0007/S4-P4 during the operational phase and at restoration of the development. The permitted development shall not be carried out other than in accordance with the approved LEMP.

Reason: To ensure appropriate management of the site for biodiversity value and in the interests of landscape character in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM4 and DM5 and

Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 14, 18 and 23.

#### Archaeological Investigation

5. Prior to commencement of any stripping of soils a programme of archaeological excavation work shall be carried out in accordance with a Written Scheme of Investigation (WSI) that has first been submitted to and approved in writing by the Mineral Planning Authority. The WSI shall also include the details of an archaeological watching brief to be undertaken during stripping of soils in the area to the north of the northern dry-stone wall as shown in drawing no.: 210804-10A Revised Initial Development Plan. The findings of the excavation work shall be reported to the Mineral Planning Authority and provided for publication in accordance with the details and timetable agreed in the WSI.

Reason: To ensure the proper recording and evaluation of archaeological interest in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policy DM7 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policy 19.

#### Notification of Implementation of the Development

6. The bridge crossing of the Purbeck Way public footpath shall be completed before any other development begins and written notification of the date on which the development is implemented and on which the bridge is completed shall be sent to the Mineral Planning Authority within 7 seven days of such implementation.

Reason: Further to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

#### Duration of Development

7. All winning and working of minerals shall cease by 31 December 2044 and all processing plant, structures and buildings shall have been removed and restoration of the site completed in accordance with drawing no.: 2620-4-5-3/DR-0007/S4-P4 Composite Restoration and Habitats Plan by 31 December 2051.

Reason: To limit the duration of disturbance associated with the operation of the development and that the land is reinstated in a timely manner in the interests of landscape character and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RE1, RS1, RS2, DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14 and 23.

#### Site Access

8. The vehicular access of the site to and from the public highway shall not be other than the "Quarry entrance" from Kingston Lane as shown on drawing no.: 200407dwg01a Application Area Plan.

Reason: In the interests of highway safety in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policy DM8 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policy 12.

#### Soil Handling

9. Topsoil, subsoil and overburden shall be stripped and stored separately and not stored other than as shown on drawing no.: 210804-10A and drawing nos.: 191128-00144-3 to 9. Soils shall only be handled when dry and friable and then with the minimum of working and compaction.

Reason: To maintain soil quality and in the interests of the proper restoration of the site having regard to Bournemouth, Dorset and Poole Minerals Strategy Policies RS1 and DM1 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 16 and 23.

#### Retention and Use of Soils and Overburden

10. No soils or overburden shall be sold or otherwise removed from the site and all soils and overburden shall be used in restoration of the site.

Reason: To ensure adequate and suitable materials for restoration of the site in the interests of landscape character in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 14,16 and 23.

#### Treatment and Management of Bunds and Topsoil Storage

11. All screening bunds and stockpiles of topsoil shall be seeded in the first available planting season following their construction, mown or strimmed during the summer months, and maintained weed-free.

Reason: To maintain soil quality and in the interests of landscape character and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14 and 16.

#### Archaeological Watching Brief

12. Stripping of soils in the area to the norther of the northern dry-stone wall as shown on drawing no.: 210804-10A Revised Initial Development Plan shall only take place in accordance with details of the archaeological watching brief within the WSI approved under condition 5. The findings of the watching brief shall be reported to the Mineral Planning Authority and provided for publication in accordance with the details and a timetable agreed in the WSI.

Reason: To ensure the proper recording and evaluation of archaeological interest in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policy DM7, and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policy 19.

#### Survey of Restoration Materials

13. Prior to commencement of soil stripping in each of phases 2 and 3 as identified on drawing nos.: 191128-00144-5 to 9, a survey of the progress of restoration of each of the previous phases and of the volume of stockpiled backfill and restoration materials shall be carried out. The results of the survey shall be compared to the anticipated rate of progress as shown on drawing nos.: 191128-00144-5 to 9, and the outcome provided in writing to the Mineral Planning Authority.

Reason: To enable assessment of whether adequate infill material for reinstatement to original levels of the new mineral working area are available in the interests of landscape character and cultural heritage in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM2, DM4 and DM7, and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14, 19 and 23.

#### Depth of Mineral Extraction

14. The maximum depths in the extension area shall not be other than identified on drawing nos.: 191128-00144-3 to 9, unless the results of the survey required by condition 13 show that there is a shortfall in the imported backfill materials of a quantity equivalent to more than 150,000 cubic metres. In such a case the Mineral Planning Authority will specify alternative new (reduced) maximum permitted depth(s) of extraction within phases 2 and 3 and thereafter the new permitted depths shall not be exceeded.

Reason: To ensure that the mineral working can be reinstated and restored to original levels in the interests of landscape character and cultural heritage in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM2, DM4 and DM7 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14, 19 and 23.

#### Hours of Operation

15. The hours of operation shall not be other than as follows.
- a. For processing and HGVs entering or leaving the quarry:
    - ☞ 06:30 to 18:00 Monday to Friday
    - ☞ 06:30 to 16:00 Saturday
  - b. For stone extraction, aggregate recycling, and infilling operations:
    - ☞ 07:00 to 18:00 Monday to Friday
    - ☞ 07:00 to 16:00 Saturday
  - c. For maintenance work:

- ☞ 06:00 to 19:00 Monday to Saturday
- ☞ 06:00 to 12:00 Sunday

No drilling, blasting, and soil or overburden removal operations shall take place on Saturdays and no operations whatsoever (except for maintenance work on Sundays) shall take place on Sundays and Public Holidays.

Reason: To protect the amenities of local residents and the area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

#### Aggregate Recycling Area

16. Aggregate recycling operations shall not take place other than within the area shown by a light blue dotted line on drawing no.: 2620-4-1-4/DR-0001/S4-P2.

Reason: In the interests of local amenity, the restoration proposals for the existing quarry, and landscape character in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14 and 23.

#### Material Imported for Aggregate Recycling

17. Only clean, inert material shall be imported for the purposes of aggregate recycling at the site.

Reason: In the interests of the local environment in accordance with Bournemouth, Dorset and Poole Minerals Strategy 2014 Policies DM1, DM2 and DM3 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 16.

#### Limitation on Aggregate Recycling

18. No more than 30,000 tonnes of recyclable waste material for the purposes of recycled aggregate production shall be imported to the site in any calendar year.

Reason: To limit the scale of activity in the interests of landscape character and the local area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2, DM4 and DM8 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 12, 13 and 14.

#### HGV Movements

19. HGV vehicular movements to and from the site shall not exceed 96 HGV movements (48 in and 48 out) per day.

Reason: In the interests of the amenity of residents and villages on the local road network and in accordance with Bournemouth, Dorset and Poole

Minerals Strategy Policies DM1, DM2 and DM8 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 12 and 13.

#### Noise – Noisy Short Term Activities

20. Noise levels from temporary site operations including overburden removal, soil stripping, formation of bunds and re-spreading of soil materials in restoration, that shall not take place for longer than eight weeks in any calendar year, shall not exceed 70 dB LAeq 1 h when measured free field at the following buildings:

- Kingston Barns
- Afflington Lookout Barn
- Forester's Lodge, Kingston.

Reason: To protect the amenities of nearby residents and the local area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 13 and 14.

#### Noise – Site Operations with Rock Drill

21. Noise levels from site operations when the rock drill is in use shall not take place for more than 20 days in any calendar year and shall not exceed 55 dB LAeq 1 hour when measured free field at the following buildings:

- Kingston Barns
- Afflington Lookout Barn
- Forester's Lodge, Kingston.

Reason: To protect the amenities of nearby residents and the local area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 13 and 14.

#### Noise – Routine Site Operations

22. Noise levels from all other site operations (excluding short term activities and use of the rock drill) shall not exceed 45 dB LAeq 1 hour when measured free field at the following buildings:

- Kingston Barns
- Afflington Lookout Barn
- Forester's Lodge, Kingston.

Reason: To protect the amenities of nearby residents and the local area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

### Blasting

23. Blasting operations shall not be undertaken other than between the hours of 12:00 - 16:00 Monday to Friday and in accordance with the measures as set out in the document entitled "Minimising air-overpressure by good blasting techniques" as submitted with the planning application, and shall not result in a vibration level (measured as peak particle velocity) in excess of  $6\text{mms}^{-1}$  at a 95% confidence level at the boundary of Kingston Barns, Afflington Lookout Barn, or Forester's Lodge, Kingston.

Reason: To protect the amenities of nearby residents and the local area in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

### Dust Control

24. The dust control measures set out at Appendix 3 of the Air Quality Assessment reference: R19.10378/3/AG submitted with the planning application shall be employed at all times at the site.

Reason: In the interests of the local environment and amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1 and DM2 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policy 13.

### Wheel Cleaning

25. Wheel cleaning facilities shall be provided at the site and employed at all times to ensure that no lorry shall leave the site unless its wheels and chassis have been sufficiently cleaned to prevent mud or debris being deposited on the public highway.

Reason: In the interests of highway safety and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM8 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 12 and 13.

### Sheeting of Lorries

26. No lorry carrying material of less than 500mm in dimension shall leave the site unless securely sheeted and/or covered to ensure that material does not spill on to the public highway.

Reason: In the interests of highway safety and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM8 and Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 12 and 13.

### Limitation on Processing and Importation of Stone

27. Plant and machinery shall not be used other than to process, treat or otherwise refine mineral extracted from the site or waste materials imported to the site, and no stone shall be imported for re-sale.

Reason: The permission is exceptionally granted to meet particular local needs, and other uses may have consequences for this sensitive location that have not been taken into account in consideration of Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2, DM4 and DM8 Bournemouth, Christchurch Poole and Dorset Waste Plan Policies 12, 13 and 14.

#### Buildings – Removal of Permitted Development Rights

28. 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 buildings shall be erected or extended at the site.

Reason: In the interests of landscape character and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

#### Fixed Plant and Machinery – Restriction on Location

29. Fixed plant or fixed machinery installed, or placed at the site, in accordance with 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, shall not be other than within the area shown by a light blue dotted line on drawing no.: 2620-4-1-4/DR-0001/S4-P2.

Reason: In the interests of landscape character and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

#### Bunding of Tanks

30. All oil and fuel stores shall have secondary containment or bunding that is impervious to oil and water and sufficient to contain 110% of the content by volume of the tanks and any associated pipework in the event of a spillage.

Reason: To prevent pollution of the water environment in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies DM1 and DM3 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policy 16.

#### Storage of Materials

31. No scrap or redundant plant, machinery or vehicles shall be kept at the site.

Reason: In the interests of landscape character and local amenity in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies

DM1, DM2 and DM4 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13 and 14.

#### Aftercare

32. Aftercare of the application site for nature conservation/amenity purposes shall take place for a period of 5 years in accordance with the management measures provided in the LEMP approved under condition 4 following final restoration of each phase or area of the site.

Reason: To ensure that restoration of the site is sustained in the interests of biodiversity, landscape character, cultural heritage, and amenity value in accordance with Bournemouth, Dorset and Poole Minerals Strategy Policies RS1, DM1, DM2, DM4, DM5 and DM7 and Bournemouth, Christchurch, Poole and Dorset Waste Plan Policies 13, 14, 18, 19 and 23.

#### **Footnote:**

Issues relating to financial, legal, environmental, economic, and equalities implications have been considered and any information relevant to the decision is included within the report.

#### **Appendices:**

1. Site Location Plan
2. Application Area Plan
3. Revised Initial Development Plan
4. Phase 1 Removal of Mineral Plan
5. Phase 2 Removal of Mineral Plan
6. Phase 3 Removal of Mineral Plan
7. Additional Habitat Areas Plan
8. Composite Restoration and Habitats Plan