

Strategic and Technical Planning Committee

21 November 2022

Decision List Swanworth Quarry

Application Reference: 6/2020/0321

Application Site Swanworth Quarry, Kingston Lane, Worth Matravers, Swanage BH19 3LE

Proposal: 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.

Recommendation: GRANT of planning permission 6/2020/0321 subject to conditions and completion of a Section 106 agreement.

Decision: Granted 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.

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 6mms^{-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.

Informative Note

Environmental Permit

The proposed deposit of inert waste materials on land for the purpose of restoring the quarry will require an environment permit under the Environmental Permitting (England and Wales) Regulations 2016. An environmental permit application will need to be made to the Environment Agency and the grant of planning permission does not automatically indicate that a permit will be granted.

Proposals for the implementation of a surface and ground water monitoring programme, inclusive of mitigation measures, will be required to support an environmental permit application and to be adhered to during infilling operations, to ensure that the deposit of materials would not cause deterioration in local water quality and/or quantity.

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.