

APPLICATION NO: 15/0071/CWMAJM **DATED** 20.08.2015

DISTRICT Ref No: 15/03756/CPO

AGENT: Steven Bowley Planning Consultancy, Ferndale,
Albury View, Thame, Oxfordshire, OX9 2LQ

APPLICANT: Multi-Agg Ltd

SITE: Kempsford Quarry, Washpool Lane, Kempsford,
Fairford GL7 4NJ

PROPOSAL: To extract 17,000 tonnes of sand and gravel; to import inert material to create a standoff between the unclassified highway that runs through the quarry site and the adjacent lake; and to restore the lake for use as an ecologically based agricultural reservoir. Provide site compound with site office, weighbridge and wheel cleaner.

PARISH OF: Kempsford

SITE AREA: 9.2 ha

GRID REF: E: 416526 N: 198078

<p>RECOMMENDED: Subject to the Applicant entering into a Section 106 Legal Agreement to secure Bird Management that planning permission be GRANTED for the reasons set out in this report and summarised at paragraphs 8.89 to 8.94 and subject to conditions in section 8.0 of this report.</p>
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1.0 LOCATION

- 1.1 Kempsford Quarry, (also known as Stubbs Farm), is located approximately 600m to the east of the village of Kempsford and 4 km to the south-east of Fairford. The application site is accessed from Washpool Lane which leads directly off Whelford Road. The site is bounded to the west and north by mature hedgerow and beyond this are smaller agricultural fields which abut resident's gardens at the edge of Kempsford. A public right of way runs adjacent to the western boundary of the site in a north-south direction. A substantial and mature hedgerow forms the eastern boundary though it is gappy in places; the unclassified track runs immediately adjacent. There are no designated areas of nature conservation interest, Listed Buildings or Scheduled Ancient Monuments in the vicinity of the site.
- 1.2 The site is also located within the Cotswold Water Park and is near to Fairford Air Base. Manor Farm sand and gravel extraction site, lies directly to the north and is also accessed via Washpool Lane.

- 1.3 A rectangular recharge ditch runs in a north-south direction adjacent to the western boundary of the site.
- 1.4 The adjacent quarry has been partially restored to agriculture which has been fenced off from the unrestored area. The unrestored area has some stockpiles of inert construction and demolition material within its boundaries and a small pond which is part of the approved restoration scheme.
- 1.5 A bridleway, known as Ham Lane, runs north and then east out of Kempsford and runs along the far side of the field north of the application site near the point where it joins Washpool Lane. An unclassified track operates as a bridleway which forms part of a circular route for walkers and horse riders.
- 1.6 The nearest residential property is 42 Ham Lane which is approximately 400m to the north east of the site.

2.0 THE PROPOSAL

- 2.1 To support the application the applicant has submitted a number of documents and plans including a Planning Statement, Hydrogeology & flood Assessment, Ecology Assessment and Restoration Scheme which can be seen in full in Public Access with a summary below:
- 2.2 The proposal is to extract 17,000 tonnes of sand and gravel to import inert material to create a standoff between the unclassified highway that runs through the quarry site and the adjacent lake: and to restore the lake for use as an ecologically based agricultural reservoir. A site compound with site office, weighbridge and wheel cleaner will also be provided.
- 2.3 The main part of the application site comprises of an existing lake which has naturally infilled. The remainder of the site comprises of a earth bridge leading to an internal access road and a small plant/stocking area within the adjacent restored quarry.
- 2.4 The proposed site comprises a total of 9.2 hectares of an almost flat landscape which in its present form is best described in two parts:
 - The existing excavated lake and adjacent soil bunds (8.15ha)
 - The access haul road and storage area (1.05ha)
- 2.5 The present proposal is more modest in scale than what was previously approved on the 30th March 2000 (CT/6788/E), and avoids the greater part of the potential archaeological interest. There is not a reduction in flood storage capacity as the proposal retains a lake of similar surface water and ground area to the present lake, albeit in a slightly different position.
- 2.6 The main purpose behind scheme now proposed is:
 - to extract about 17,000 tonnes of viable gravel which can be worked out in order to contribute to local gravel supply without causing unacceptable impact upon residents

- to provide a local opportunity for the use of surplus inert materials that cannot be readily recycled and which would otherwise go to landfill (70,000m³)
 - to achieve a safe stable stand-off between the restored lake and the
 - to achieve safe, stable lake support margins and shallows
 - to create an agricultural reservoir with restoration that reduces the present risk of bird strike arising from the lake
 - to enhance the overall biodiversity of the landscape
- 2.7 The applicant's agents have met with Gloucestershire County Council Planning Officers and Environment Agency officers and have held discussions with the MOD Air Safeguarding Officer.
- 2.8 Whilst there has been no formal pre application consultation with the local Parish Council, there has been informal dialogue with members of Kempford Parish.
- 2.9 The proposal comprises:
- Extraction of approximately 17,000 tonnes of gravel to a depth of approximately 2.4 metres, the creation of an safe stable standoff margin between the Unclassified highway and the lake using imported inert restoration material, the reshaping of the lake with support margins and lake shallows at the water's edge using imported inert restoration material to create an ecologically based reservoir with shrub, tree and reed planting to deter flocking birds. Gravel would be removed from the site as dug for processing elsewhere, and inert restoration material will have been previously sorted avoiding the need for processing plant at the application site. circumstances where it isn't possible to place it directly into the lake area A wheel wash, weighbridge and portakabin will be provided for site management
 - Gravel can be extracted wet (no dewatering) and only partial dewatering of the lake would need to take place to enable restoration material to be placed and to achieve the gradients proposed
 - The existing soil screening bund would be reformed and relocated to a new 3 metre screening bund to provide screening of the operation to Kempford village for the short period of the development and would thence be used in restoration and maintenance of the application site
 - The lake is designed to a size and specification intended to ensure no loss of flood plain capacity
 - The sand and gravel would be extracted within a 12 month period. Infill material would be brought on to the site over a period not exceeding 2 years. Both activities can take place concurrently
 - An excavator would be used to extract the gravel and load it directly onto Lorries to take off site. A dozer and excavator would be used to place and grade imported fill material in the lake support margins and shallows extract gravel and load it directly onto lorries
 - Average daily lorry movements would be (13-16 in/13-16 Out) for the period that both mineral and fill activity take place together, slightly less during the period of filling only. This is based on use of 20 tonne
 - Upon conclusion of the development the haul road would be retained for farm access, and the temporary storage area restored to grassland.

Meeting the need for sand and gravel

- 2.10 The proposal involves extraction of a modest 17,000 tonnes of sand and gravel. The area known as the Cotswold Water Park has historically been the major source of sand and gravel supply in Gloucestershire.
- 2.11 The adopted and emerging plans seek to provide for a 7 year landbank throughout the plan period. The emerging plan will cover the period to 2030 plus make provision for a 7 year landbank at the end. The Council calculated that at December 2012 it had a landbank of permitted sand and gravel reserves of just over 7 years. However, for the full plan period, based on its Local Aggregate Assessment the County Council calculates that the emerging plan needs to provide for an additional 14.73 million tonnes of sand and gravel over and above that which is already permitted.
- 2.12 Whilst modest in scale, the proposed development will contribute to the required aggregate supply and is well placed to serve local markets.

Transport and access

- 2.13 Washpool Lane is primarily used for access to Mannor Farm Quarry run by Aggregate Industries (AI) and Stubbs Farm quarry operated by Earthline/Multi Agg. The lane was surfaced by AI with vehicle passing places and speed humps. Access from Washpool Lane leads onto the Whelford Road junction which is designed to encourage a left out route. This junction has good vision splays and separate pedestrian/cycle paths. Both the removal of gravel and importation of inert restoration material will be undertaken at rates below those that took place when Kempsford quarry (Stubbs Farm) was in full operation.

Water Environment

- 2.14 The proposed working and restoration scheme has been significantly influenced by the water regime and the need to protect its integrity. The repositioned lake has been carefully designed to ensure that there is no loss of floodplain capacity or adverse impact upon groundwater flows.
- 2.15 The impact of the proposal upon the water environment is fully assessed in the Hydrogeology/Hydrology report which accompanies the application. The proposals comply with adopted and emerging Local Plan water environment policies.
- 2.16 The soils from the extracted area will be stripped and stored to form landscaped screening bunds during the working of the site. Upon final restoration these soils will be used to ensure the best quality of agricultural restoration of the plant area east of the unclassified haul road.

Aerodrome safeguarding

- 2.17 The existing lake provides scope to attract flocking birds which are a threat to aircraft. The water environment constraints prevent the lake being made substantively smaller, so the overall extent of open water will not change as a result of the proposal. Within this constraint, a suitable ecologically based scheme has been designed to reduce the attractiveness of the open water to flocking birds by creating shallows and increasing planting around the lake

side. The proposals are therefore consistent with Development Plan policy in this respect.

Restoration

- 2.18 Both existing and emerging development plan policies seek to protect and enhance the overall biodiversity of the County and the local area. A variety of after uses are promoted under Cotswold Water Park policy including sport, recreation and tourism. This is not encouraged in the vicinity of Kempsford however, where protection and enhancement of nature conservation is supported by Cotswold District Local Plan policies UT.1 and UT2. The proposed ecologically based restoration is supported by Development Plan policy.

Conclusions

- 2.19 National planning policy recognises the important role that mineral extraction plays in supporting economic growth and quality of life. The Cotswold Water Park is a long established area from which sand and gravel is supplied. Gloucestershire's adopted and emerging local plans identify the area around Kempsford as a preferred area for gravel extraction. This application responds to that designation.

The main purposes behind this scheme are:

- to ensure the full gravel resource can be worked out in order to contribute to gravel supply without causing unacceptable impact upon residents
- to provide a local opportunity to make beneficial use of inert waste materials that cannot be readily recycled
- to protect the adjacent unclassified highway from encroachment of the present lake
- to achieve a beneficial restoration that reduces the present risk of bird strike and enhances the overall biodiversity of the landscape.

- 2.20 The planning application is accompanied by a series of environmental reports addressing noise, dust, archaeology and ecology and the water environment. This Planning Statement and the accompanying reports conclude that development can take place in a manner which:

- ensures there will be no unacceptable adverse effects upon the amenity of local people by way of noise, dust or visual impact
- shows that the access and local road network are suitable for the amount of traffic that will be generated and the amenity afforded by the local rights of way network can be protected, and shows that the historic and natural environment in terms of heritage, water, landscape and biodiversity, will not be unacceptably affected during and upon completion of the development.
- The overall scale of the development is modest, comprising extraction of 17,000 tonnes of sand and gravel and import of 70,000 cubic metres of inert fill material. The development will upon conclusion result in a number of benefits:
- protection of the structure of the unclassified highway for continued use by walkers and horse riders
- a restoration which complements the local landscape qualities of small fields

Environmental Impact Assessment

- 2.21 A Screening Opinion was sought (29 January 2015) in response to which Gloucestershire County Council have confirmed that an Environmental Impact Assessment does not need to accompany this application. Key environmental elements have nevertheless been properly and proportionately addressed as part of the submission.

3.0 PLANNING HISTORY

- 3.1 Gloucestershire County Council planning history is summarised in the following table.

Application No.	Description of Development	Decision & Date
CT.6788	Extraction of sand and gravel and erection of site offices.	Consent 09.03.1990
CT.6788/B	Variation of condition (xvi) of permission CT.6788 to permit the extraction of 40,000m ³ of clay	Consent 10.09.1996
CT.6788/C	Construction, operation and ancillary development of a waste transfer station and waste materials recycling compound.	Consent 13.12.1996
CT.6788/E	Sand and gravel extraction as an extension to an existing quarry and restoration to a wetland area (this relates to the area directly to the west of this application.)	Consent 30.03.2003
CT.6788/F	Variation of conditions (i) and (xvii) attached to planning consent CT.6788 to extend the operational life of the site and to vary the restoration scheme to allow low level restoration to nature conservation.	Consent 06.02.1998
CT.6788/H	DEVELOPMENT OF LAND WITHOUT COMPLYING WITH CONDITION 2 OF CT/6788/C & CONDITION 2 TO EXTEND PERMISSION PERIOD	21.08.2003
CT.6788/M (06/0077)	Variation of condition 1 of permission CT.6788/F to extend the period of time for completion of works to 2012 and final restoration to 2013.	Consent 27.11.2006
13/0068/CWMAJM	Vary condition of 1 of consent CT.6788/M to extend the period of restoration of the site to 30 September 2014, condition 2 to restore the site as approved and condition 7 to remove all plant no later than September 2014.	Consent 05.02.14
14/0027/COMPLI	Compliance with condition 16 relating to planning permission 13/0068/CWMAJM dated 05/02/2014.	4.06.11

4.0 PLANNING POLICY

- 4.1 The National Planning Policy Framework (NPPF), published on the 27th March 2012, constitutes guidance for Local Planning Authorities and is a material consideration in determining the application. In assessing and

determining planning proposals, Planning Authorities should apply the presumption in favour of sustainable development, which is the main focus of the NPPF in relation to both the plan-making and decision making process. However, the presumption in favour of sustainable development does not apply where development requires an appropriate assessment under the Conservation of Birds Directive and the Habitats Directive.

- 4.2 The NPPF has replaced Mineral Planning Statement 1 and recognises that it is important to maintain a steady supply of material to provide infrastructure, buildings, energy and goods that the country needs. Paragraph 144 states that local planning authorities should 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, Scheduled Monuments and Conservation Areas.
- 4.3 When determining planning applications local planning authorities should ensure that in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take account the cumulative impact or multiple impacts from individual sites and/or from a number of sites in a locality. Paragraph 143 requires that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites should take place including for agriculture, biodiversity, native woodland and recreation.
- 4.4 As set out in the NPPF it states that Mineral Planning Authorities are expected to ensure that plan proposals do not have an unacceptable adverse effect on the natural or historic environment or human health. Residents living close to mineral workings may be exposed to a number of environmental effects and particular care should be taken in respect of any conditions they attach to a grant of permission for working in proximity to communities.
- 4.5 Paragraph 109 of the NPPF states that the planning system should contribute to and enhances the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 4.6 NPPF Chapter 10 (meeting the challenge of climate change, flooding and coastal change), (paragraph 100) states that: *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*
- 4.7 Paragraph 102 states that: *“If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the exception test to be passed:*
 - *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk,*

informed by a Strategic Flood Risk Assessment where one has been prepared; and

- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the test will have to be passed for development to be allocated or permitted”.

4.8 Paragraph 103 states that: *“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*

National Planning Policy for Waste

4.9 The National Planning Policy for Waste was issued in October 2014 and sets out national waste planning policies. It should be read in conjunction with the National Planning Policy Framework, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

4.10 The primary aim is to guard against new or increased hazards caused by development. In testing the suitability of sites in determining planning applications, planning authorities should consider a number of locational factors set out in Appendix B which include:

- *“a. protection of water quality and resources and flood risk management considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.”*
- *“birds can provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/20035) local planning authorities are required to consult aerodrome operators on proposed developments likely to*

attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan).”

National Planning Practice Guidance (NPPG)

- 4.11 The Department for Communities and Local Government (DCLG) launched the web-based National Planning Policy Guidance (NPPG) on 6 March 2014 to replace previous planning policy guidance documents and Technical Guidance to the National Planning Policy Framework 2012. The NPPG gives guidance on ensuring a steady and adequate supply of aggregate minerals and assessing a number of categories relevant to mineral planning including, dust and noise emissions. Paragraph 13 of the mineral chapter sets out issues that Mineral Planning Authorities (MPA) should address when considering mineral applications, not all of the issues raised in paragraph 13 will be relevant to each case and therefore must be applied on a case by case basis as appropriate. There are also a number of other sections in the NPPG relating to general planning matters which are relevant in the consideration of this planning application.
- 4.12 In the mineral planning chapter, significant environmental impacts are considered to be best addressed through an Environmental Statement to ensure mineral planning authorities have sufficient information on all environmental matters at the time the decision is made.
- 4.13 Paragraph 40 of the NPPG in the Minerals Chapter advises that the level of detail required on restoration and aftercare will depend on circumstances of each specific site and the expected duration of operations. A restoration scheme must be sufficient to demonstrate the overall objectives of the scheme are practically achievable. MPA's should secure restoration and aftercare of a site through the imposition of suitable planning conditions which seeks a progressive or rolling restoration to minimise areas of land occupied at any one time by mineral working.
- 4.14 Paragraph 1 of the Flood Risk and Coastal Change Chapter of the NPPG sets out the main steps to be followed in the assessment of flood risk which should accompany planning applications for sites of more than 1 ha. There is a requirement to consult the Environment Agency and a role for the Lead Local Flood Authority in managing local flood risk, including from surface water, ground water and ordinary watercourses.
- 4.15 Flood risk vulnerability of the proposed development as defined in paragraph 66 is that sand and gravel working and the post restoration agricultural land and amenity area are water compatible development.
- ### **Gloucestershire Minerals Local Plan 1997-2006 (Adopted April 2003)**
- 4.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that the status of the Gloucestershire Minerals Local Plan (adopted April 2003) as part of the Development Plan for Gloucestershire must be the starting point for decision making as far as consistent with the NPPF. Following the direction by the Secretary of State on the 18th September 2007, certain policies from the adopted Gloucestershire Minerals Local Plan (MLP) have been 'saved' until a replacement plan is adopted.

- 4.17 The following 'saved' policies of the Minerals Local Plan (adopted 2003) are considered to be generally or partially consistent with the NPPF and relevant to the determination of the proposed development:

Policy A1

Subject to the assessment of the environmental, social and economic impact of mineral working, the Mineral Planning Authority will endeavour to maintain a landbank that reflects the local apportionment of the Regional Guidelines. The local apportionment during the Plan period is represented on an average annual basis as a provision of:

1.29 mt per annum of Sand and Gravel.

There are considered to be some inconsistencies with this policy and the NPPF because it requires an annual local aggregate assessment, however the matters relating to need and supply of aggregates are considered further in this report.

Policy A2: *The Mineral Planning Authority will endeavour to maintain a landbank of reserves for the winning and working of aggregate minerals throughout and at the end of the Plan period in accordance with National and Regional Guidance. This landbank will be:*

- 1. at least 7 years for Crushed Rock [limestone]; and*
- 2. at least 7 years for Sand and Gravel.*

Paragraph 145 of the NPPF requires a landbank of at least 10 years for crushed rock and it continues to recognise the need to maintain a landbank of at least 7 years for sand and gravel making policy A2 consistent in terms of sand and gravel extraction.

Policy A4:

“Proposed aggregate mineral working outside the Preferred Areas defined in this Plan, will only be permitted where they are in accordance with and will secure the effective implementation of the objectives and other policies of the Plan by providing for either:

A. The provision of aggregates not found in the Preferred Areas defined in this Plan where it can be demonstrated that the mineral is of a specification, or will meet a forecast shortfall, which is required to maintain the County's appropriate contribution to local, regional and national need, and where it is demonstrated that such provision would be significantly more acceptable overall than a site or sites in a Preferred Area.

Or,

B. In relation to existing mineral development:

- 1. the enhancement of the surrounding environment or amenity, and/or;*
- 2. an improvement or enhancement of reclamation and after-use opportunities, and/or;*
- 3. the completion of working of a residual area of mineral resource that would be impractical to exploit in any other way.”*

This policy is considered partially compliant in that it supports the aims of the NPPF.

Policy DC1:

Mineral development will only be permitted where the applicant has demonstrated, to the satisfaction of the Minerals Planning Authority in consultation with other relevant pollution control agencies, that any potentially adverse environmental and/or pollution effects are capable of satisfactory control and/or mitigation.

This policy is considered compliant in that it supports the aims of the NPPF.

Policy DC2:

“Ancillary development to proposed or permitted mineral development must satisfy the following requirements that:

- 1. it is directly related to the extraction of the mineral,*
- 2. its design, size and location should, as far as practicable, be in keeping with the character of the surrounding area,*
- 3. it does not have a significantly adverse impact on the amenity of adjacent land uses,*
- 4. its life should be limited to that of the mineral working and where appropriate, is dismantled in accordance with the restoration proposal,*
- 5. where appropriate it should allow for the processing of secondary (waste) minerals, and*
- 6. it is in accordance with other policies contained in this Plan.”*

This policy is considered compliant in that it supports the aims of the NPPF.

Policy DC3:

The importation of natural materials to minerals sites will only be permitted where it is environmentally acceptable and it can be demonstrated that there is insufficient suitable waste products arising from the mineral development to carry out all or any of the following:

1. the provision of improved landscaping to enhance the environment and safeguard local amenity
2. to secure a beneficial afteruse for the worked out mineral site.

Policy DC4:

Mineral development or reclamation proposals for worked out mineral sites, which may pose a hazard to any civilian or military aerodromes will not be permitted.

This policy is compliant with paragraph 144 of the NPPF which refers to aviation safety rather than safeguarding aerodromes.

Policy E10: *In determining proposals for mineral development, the MPA will be guided by the contribution to local biodiversity and where appropriate will seek long-term overall enhancement to local biodiversity through restoration*

or by other means i.e. by the attachment of conditions or negotiation of planning obligations.

Policy E10 supports the sustainable development principles of the NPPF

Policy E11:

“Mineral development which is likely to have a significant negative quantitative and/or qualitative impact on the water environment will not be permitted unless appropriate measures can be imposed to mitigate any harmful effects.”

Policy E11 supports the sustainable development principles of the NPPF.

Policy E19:

“Proposed mineral development will not be permitted where the method of transporting minerals will give rise to an unacceptable impact on the local environment. Mineral operators must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction / production sites to markets, that are practically achievable, are used.”

This policy is generally in conformity with the NPPF. Paragraph 32 of the NPPF explains that development should not be prevented or refused on transport grounds unless the residual cumulative impacts are severe.

Policy E20:

“Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the condition of the local highway network are such that the traffic movements likely to be generated by the development would not result in unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment. In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures which may be provided in association with the development.”

This policy is generally in conformity with the NPPF. Paragraph 32 of the NPPF explains that development should not be prevented on transport grounds unless the cumulative residual impacts are severe.

Policy R1

Proposals for mineral development will only be permitted if they are accompanied by a reclamation scheme that provides for the following matters to be taken into account:

1. the site will be operated to ensure that the proposed reclamation scheme will be successful,
2. waste materials arising from the extraction of minerals on site are utilised to restore the site,
3. the restoration is completed at the earliest opportunity and, where practicable, progressive restoration is carried out,
4. other measures to minimise the disturbance to adjacent land-uses are included,

5. harm arising from traffic generated by the reclamation is minimised,
6. the surrounding topography is considered to ensure that the site is sensitively reclaimed in keeping with the character of the local area,
7. where appropriate, measures to protect local, regional and national sites of acknowledged importance are included, and
8. the reclamation of the site provides for environmental and landscape enhancement as guided by Policy R2 of this Plan.

Policy R2:

“Mineral operators will be required to facilitate realistic proposals for after-use as part of the reclamation scheme. Proposals will, where appropriate:

1. *enhance the local character of the area,*
2. *benefit the local community,*
3. *support and diversify the local economy,*
4. *improve the local environment by providing increased Public Access to the countryside and recreation and creating public open space,*
5. *support and enhance national, regional and local biodiversity,*
6. *restore best and most versatile agricultural land back to grade,*

All after-use proposals must be acceptable in terms of traffic impact, both on the highway and on local communities.”

This policy is compliant with paragraph 33 and paragraphs 36-43 of the NPPF, bolstered by paragraph 49-51 in some circumstances.

Policy R3:

“Worked out mineral sites will be reclaimed at the earliest opportunity to an approved beneficial after-use, and wherever practicable progressive restoration will be required.”

This policy is considered with the NPPF in that it recognises the need for reclamation at the earliest opportunity under paragraph 143.

Gloucestershire Waste Core Strategy (adopted November 2012)

- 2.18 Gloucestershire’s Waste Core Strategy (WCS) was adopted 21st November 2012 and forms part of the Minerals and Waste Development Framework, providing a planning framework for waste management across the county of Gloucestershire for the period 2012 - 2027. It identifies a vision, objectives and strategy relevant to Gloucestershire compliant with the NPPF. As the development involves the importation of inert waste material for infilling, the following policy is considered relevant:

WCS1 – Presumption in Favour of Sustainable Development:

“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the WCS (and, where relevant, with policies in neighbourhood plans) will be approved without delay,

unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

Core Policy WCS8 – Landfill

Proposals for new landfill developments or extensions to existing landfill sites will only be permitted where it can be demonstrated that:

- 1. The waste cannot be managed further up the waste hierarchy through reuse, recycling and recovery; and*
- 2. The proposed landfill would enable;*
 - i. restoration of current or former minerals sites (subject to technical suitability of the site); or*
 - ii. a demonstrable improvement in the quality of the land; or*
 - iii. facilitating an appropriate after use; or*
 - iv. engineering or other operations.*
- 3. The proposed development would not compromise the permitted restoration of mineral sites or existing landfill sites by the diversion of significant amounts of material;*
- 4. The site does not adversely effect the following designations – major aquifers, source protection zones and European Sites; and*
- 5. Any proposal for new or extended landfill will need to indicate that it is for Gloucestershire’s waste needs unless it can be demonstrated, through a supporting statement, to be the most sustainable option to manage waste arisings from outside of the county at that facility.*

WCS12 – Flood Risk

In order to reduce the likelihood and impact of flooding both on and off-site there will be a general presumption that all waste-related development will be located in areas of low flood risk, (Flood Zone 1) unless it can be demonstrated that there are no suitable, alternative sites available.

Only if no suitable sites are available in Flood Zone 1 will consideration be given to sites within Flood Zone 2 and only if no suitable sites are available in Zone 2 will consideration be given to sites within Flood Zone 3a. Proposals which are classified as 'less vulnerable' may come forward in Flood Zones 1, 2 and 3a although the sequential approach will still apply.

Proposals for 'more vulnerable' waste development including landfill/landraise and hazardous waste treatment and disposal will only be permitted in Flood Zone 3a where it can be demonstrated through application of the 'exception test' that:

- The development provides wider sustainability benefits to the community that outweigh flood risk having regard to the Gloucestershire Strategic*

- Flood Risk Assessment (SFRA); and*
- The site is previously developed or if not, that there are no reasonable and available alternative sites on previously developed land; and*
 - The development will be safe without increasing flood risk elsewhere and where possible, will reduce flood risk overall.*

Proposals for waste-related development within Flood Zone 3b (the functional floodplain) will not be permitted other than 'water compatible' proposals such as sewage transmission infrastructure and pumping stations and, subject to the exception test, development which is classified as 'essential infrastructure'.

A Flood Risk Assessment (FRA) will be required for all development of 1 hectare or more and for any proposal located within Flood Zone 2 and 3a. The FRA should consider all sources of potential flood risk.

The design of all new development will be required to take account of current and potential future flood risk from all sources both on and off-site including in particular the use of Sustainable Drainage Systems (SUDS).

WCS14 - Landscape

Proposals for waste development will be permitted where they do not have a significant adverse effect on the local landscape as identified in the Landscape Character Assessment or unless the impact can be mitigated. Where significant adverse impacts cannot be fully mitigated, the social, environmental and economic benefits of the proposal must outweigh any harm arising from the impacts.

Core Policy WCS15 – Nature Conservation (Biodiversity & Geodiversity)

Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR) will be safeguarded from inappropriate waste management development. Planning permission for waste management development within or outside a Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR) will only be granted where it can be demonstrated that:

- The development would not conflict with the conservation, management and enhancement of the site unless the harmful aspects can be satisfactorily mitigated; and*
- The benefit of the development clearly outweighs the impacts that the proposal would have on the key features of the site; and*
- The proposal complies with other relevant policies of the development plan; and*
- In the case of a SSSI, there would be no broader impact on the national network of SSSIs.*

Local nature conservation designations will also be safeguarded from inappropriate development and planning permission will only be granted for development affecting such designations where it can be demonstrated that the impact of the development can be satisfactorily mitigated and that the benefit of the development clearly outweighs any impact.

Development proposals will be required to assess their impact on the natural environment and make a contribution to local nature conservation targets to ensure net gain for biodiversity.

Proposals that incorporate beneficial biodiversity or geological features into their design and layout will be favourably considered particularly where the proposal would result in a positive contribution to a Strategic Nature Area (SNA) as identified on the Nature Map for Gloucestershire.

WCS16- Historic Environment

Planning permission for waste management that would have a significant adverse impact upon heritage assets including their integrity, character and setting will only be granted where it can be demonstrated that:

- *The benefits of the development clearly outweighs the impacts that the proposal would have in the key features of the site; or*
- *The proposal includes adequate measures to mitigate adverse impacts; and*
- *The proposal complies with other relevant policies of the development plan.*

There will be a presumption in favour of the conservation of designated heritage assets, and of those heritage assets with archaeological interest that are of demonstrably of equivalent significance.

WCS19 - Sustainable Transport

In the interests of sustainable development and minimising the impact of waste management on Gloucestershire's roads and the wider natural and historic environment, proposals for waste-related development that utilise alternative modes of transport such as rail and water will be positively supported. This is subject to compliance with other relevant development plan policies and the contribution to a sustainable waste management system for Gloucestershire.

Any development exceeding the thresholds set out in the Department for Transport publication 'Guidance on Transport Assessment' must be supported by a Transport Assessment (TA) and Travel Plan. Consideration will also be had to the location of the proposed development in determining whether a TA is required.

Development that would have an adverse impact on the highway network which cannot be mitigated will not be permitted.

Where a Travel Plan is required the developer will be expected to enter into a Section 106 or unilateral legal agreement to secure the development of the travel plan and any contributions required to support its implementation. A contribution towards costs of monitoring the travel plan will also be required.

Gloucestershire Waste Local Plan 2002 – 2012 (Adopted October 2004) (GCC WLP)

- 4.19 Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that the Gloucestershire Waste Local Plan's status as part of the development

plan for Gloucestershire must be the starting point for decision making. Gloucestershire Waste Core Strategy adopted 21st November 2013 replaced most of the policies within the Waste Local Plan; however several policies from the adopted Gloucestershire Waste Local Plan have been 'saved' and remain relevant to the determination of planning applications. As the development involves the importation of waste material for infilling, the following saved policies are considered relevant:

Policy 38 – Hours of Operation:

“The Waste Planning Authority will where appropriate impose a condition restricting hours of operation on waste management facilities to protect amenity.”

This policy is in conformity with the Planning Principles detailed in Chapters 11 and 12 of the NPPF and helps contribute to sustainable development as encouraged by the NPPF paragraph 7 and 109 – 125.

Cotswold District Local Plan 2001-2011

4.20 Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that the Cotswold District Local Plan's status as part of the Development Plan must be considered. The following 'saved' policy is relevant to the proposed development and is considered by Cotswold District Council to be generally consistent with the NPPF and in particular paragraph 120 of the NPPF:

- **Policy 5 – Pollution and Safety Hazards**
 1. *Permission will not be given for development that:*
 - (a) *would result in an unacceptable risk to public health or safety, the environment, general amenity or existing land uses because of its location or due to the potential pollution of air, water, land or sky;*
 - (b) *is likely to cause significant noise nuisance, unacceptable light levels and spillage, vibration, dust or smell, particularly if this is likely to harm an existing business or other neighbouring land use; or*
 - (c) *lies within a protected area around sewage treatment works or similar installations.*

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application was advertised by site notice and a newspaper advert was placed in a locally circulating newspaper. The adjoining quarry (Manor Farm Pit) was consulted. 6 letters were sent to local residents to notify them about the application.

5.2 No responses were received from local residents, businesses and contributors in response to the consultation process.

6.0 Consultations

6.1 Cotswold District Council (CDC)

CDC raises no objections to the proposed development subject to the following recommended conditions:

- *“The level of noise emitted from the site shall not exceed 45dB LAeq 1 hour, between 07:00hr to 19:00hr Monday to Friday and 07:00hr to*

13:00 hour on a Saturday, as measured at any noise sensitive property. The only exception to this would be for temporary operations as defined by the national technical guidance to the National Planning Policy Framework. The applicant shall keep monitoring records to demonstrate compliance with this condition and provide to the local planning authority upon request.

No work shall take place on Sundays or any bank holidays.

- *Prior to operations commencing on the site a detailed scheme of dust management and monitoring shall be agreed with the local planning authority. This shall incorporate the dust mitigation measures contained in the Dustscan report, submitted as part of the planning application and dated May 2015. It shall include a programme of proactive monitoring and recording in order to demonstrate compliance with air quality standards and dust deposition, which should be available for inspection by the Local Planning Authority”.*

Kempford Parish Council (KPC)

6.2 KPC objects to the proposal. The objection can be viewed in full in public access with a summary below:

“The restoration proposals to reduce bird-strike risk and enhance biodiversity are welcomed, as is the reinstatement of the unclassified highway ditch. We do have some concerns over the drainage in general which is tied in with the applicant’s adjacent site. As a result we wish to register an objection to this application.

Drainage

It is not clear where the ditches either side of the unclassified highway, and the ditch west of the lake, will drain to. At present the ditch on eastern side of the highway, which was dug out last year, doesn’t flow anywhere.

Drawing KEMPPLAN1506C shows the ditch west of the unclassified highway and west of the lake as flowing south-easterly, but states uncertainty as to the southern drainage route.

Based on local knowledge, it would appear these ditches never flowed in to the canal, but continued easterly under the unclassified highway (marked as A on attached plan) and then on to the culvert under the canal at point B.

We are not sure exactly where and how the water passed under the unclassified highway, and if any infrastructure still exists to allow passage of water. Given that this area is always very wet it would seem likely that any pipe/culvert is either no longer in situ or is blocked.

The culvert under the canal at point B is still there, however further inspection is definitely needed to see if it is blocked/working efficiently.

On the drawing prepared by GWP it also shows a section of the ditch west of the adjacent site as flowing ‘north draining’ towards the track to Ham Barn. This appears odd as the ditch alongside the track does not connect to any other existing ditch networks.

To summarise, it is important that the ditches and direction of flow are restored to their original mode of operation, ie. all flowing freely towards the River Thames.

We appreciate that it may be difficult to understand some of the points mentioned above, and we would be more than happy to meet you on site if it is helpful.

Transport

We understand that the development would generate approximately 26-32 lorry movements per day; the neighbouring Aggregate Industries extension if approved would generate an additional 80 trips per day. The cumulative effects of increased lorry movements passing through our parish is an issue of serious concern to us.

In particular, the navigation of the 'Allotments Corner' junction at Kempsford, which is unsuitable for the size and volume of lorries using it now, never mind the proposed increase in lorry movements.

Despite the acknowledged safety concerns, and the recognized need for improvements (Local Transport Plan 3 Eastern Spine Road Scheme), as well as statements made in the LMP and Policy DC6, requiring operator contributions, to our knowledge there is none proposed for either of these applications.

In regard to the Aggregate Industries application, Gloucestershire Highways stated that the increased movements were not substantial enough to require a contribution. If this is the case, then realistically we can never expect any of the quarries most local to us to individually generate an appropriate level on increase in lorry movements. This makes something of a nonsense of the "operator contribution policy".

On the basis of the above we are requesting that consideration be given to the cumulative effect of increased lorry movements and that each mineral operator be required to contribute in proportion".

The Environment Agency (EA)

- 6.3 The EA has no objections to the proposal and a copy of their response can be seen in Public Access with a summary below:

"Fluvial Flood Risk

Parts of the site, including the majority of the lake area, are located within Flood Zone 3 (1% annual probability of fluvial flooding) based on our indicative Flood Map for Planning.

The Flood Risk Assessment (FRA) utilises our flood data and confirms relative to topographical survey details that the lake, the area to the west of the soil bund and east of the lake (including the highway) are at risk in a 1% plus climate change flood event.

The FRA also suggests that 'flood risk is associated with lower ground elevations due to gravel extraction north of the site by a third party operator

and backwater effects from the River Coln’.

We have reviewed Volume 3 of GWP Consultants hydrogeology and hydrological impact and Flood Risk Assessment (FRA) report number 140803, dated July 2015.

We note that the mineral extraction is proposed to be wet worked at the bottom of the existing lake and will expand to the west of the lake over a 30m strip, with restoration shifting the lake to the west.

Sand and gravel extraction is classed as ‘water compatible’ development within Table 2 of the National Planning Practice Guidance (NPPG). This is appropriate in this location (flood zone 3a and b) subject to a FRA. This should confirm that the development does not result in a loss of floodplain storage, does not impede water flows and does not increase flood risk elsewhere.

We are satisfied that the proposed mitigation measures, including as follows, would secure the above:

- The ditch immediately east of the existing lake is proposed to be reinstated, together with the unclassified highway ditch.

Hydro-geological impacts / water quality

The planning application confirms that no dewatering of the aquifer will be necessary during excavation. As such no mitigation is necessary. It is also anticipated that no dewatering will be required to place the imported inert fill. This element, including water quality impacts, will be controlled by us through the Environmental Permit for waste recovery. We note the mitigation measures suggested, which appear reasonable, should small scale dewatering be necessary. The use of inert material, regulated by the permit, should ensure that water quality is not derogated by the proposed development in accordance with Water Framework Directive (WFD) objectives.

Whilst we do not comment on groundwater flooding we note that the report has indicated that the placement of low permeability infill material will restrict the groundwater ‘flow’ currently entering the lake. This may cause localised flooding issues. You may wish to impose a condition, in consultation with your drainage colleagues, to monitor groundwater (during and post extraction) and secure appropriate mitigation where necessary to mitigate for those effects”.

7.0 Planning Observations

Lead Local Flood Authority (LLFA)

7.1 Atkins on behalf of the LLFA have not objected to the proposal subject to the following comments and recommended condition:

“Introduction

It is understood that the majority of the site has previously been worked and has been restored to water although there is a strip of unworked mineral around 50m wide on the western side of the site. This application proposed

the working of this strip of unworked mineral as well as recovering mineral that is understood to remain in the base of the flooded pit. Following extraction the site will be restored by the importation of inert waste (under a recovery permit) to provide gently sloping banks to the waterbody.

It is proposed that the mineral is worked “wet” i.e. without dewatering. Restoration is also proposed to be completed without dewatering although if necessary the applicant allows for the creation of clay-lined cells to minimise the volume of water requiring extraction. No method for the creation of these cells, or the management of the water arising from this work is provided and it is suggested that this should be addressed via condition (see below).

Water Impact Assessment

The applicant states that due to the “wet” working of the mineral there will very limited impacts on nearby receptors during the operational phase; Atkins concurs with this conclusion.

Following restoration the applicant acknowledges that there is potential for disturbance to the groundwater flow regime due to the placement of inert fill which is likely to be low permeability. The Applicant has noted that there are no licenced abstractions or nationally or internationally designated sites within 1km of the site. The Ecological Impact Assessment for the site further confirms that the only Local Wildlife Site within 1km of the site is the River Thames. Although potential impact upon this receptor has not been assessed by the Applicant’s consultants it is considered unlikely that the proposed restoration would negatively impact this feature.

The Applicant’s consultant has not provided information regarding private (unlicensed) abstractions and therefore the potential impact upon these receptors has not been assessed. Although the magnitude of impact is likely to be small it is recommended that the relevant Environmental Health department is consulted.

Flood Risk Assessment

The report presents an assessment of the risks presented by fluvial, pluvial (surface water) and groundwater flooding.

The site is within the fluvial flood plain but mineral extraction is a “water compatible development” under the NPPF. There are no proposal for stockpiles within the flood plain and therefore the development will not increase fluvial flood risk. In fact, the removal of the bund along the western edge may give rise to a slight increase in flood plain storage.

Small areas of the site are also shown to be at risk of surface water flooding but Atkins would concur that this is likely to be due to the artificially low-lying nature of the site due to historic extraction.

The Applicant acknowledges that the site may give rise to an increase in groundwater levels up-gradient of the site, which may give rise to groundwater flooding. While this will not have an impact on the site operations it is recognised that this may affect others (although no detailed assessment is provided). Mitigation, in the form of a ditch to capture any rise in groundwater

levels is proposed which would discharge to the Thames. This is likely to be acceptable but it is noted that there may be a slightly more rapid response to rainfall that currently occurs. The Applicant may wish to consider routing the captured groundwater through the lake which would provide a degree of attenuation or consider the extent to which infiltration of groundwater into the “shadow” that is likely to be created down-gradient of the site is practicable. It is considered that this can be addressed via conditions.

Sewer flooding and flooding from other infrastructure (e.g. canals and water mains) is not addressed although it is not likely that there is a significant risk to the scheme from these sources and it is unlikely that any of the activities will increase risk of flooding to other receptors.

Proposed Conditions

It is considered that the following conditions are appropriate:

1. Prior to the commencement of extraction of sand and gravel the applicant shall submit and have approved in writing by the MPA a scheme for the monitoring of groundwater levels in the vicinity of the site to provide information for the design of the long-term groundwater management system and for the assessment of its performance. Once approved the scheme shall be implemented in full for the duration of the operation, restoration and after-care phases and annual reports shall be provided to the MPA.
2. Prior to commencing and dewatering of the site, whether to facilitate infilling or otherwise, the applicant shall submit and have approved in writing by the MPA a detailed method statement for the construction of the clay cells proposed within the Hydrogeological and Hydrological Impact Assessment. Such assessment shall also detail the management of abstracted water including measures to be implemented in the event of the River Thames being in flood. Once approved the scheme shall be implemented in accordance with the approved scheme.
3. Prior to the commencement of restoration using imported inert fill the applicant shall submit and have approved in writing a detailed scheme for the design and installation of the groundwater flooding mitigation ditch and its direction to an appropriate disposal point. Once approved the scheme shall be implemented in accordance with the approved scheme.

For each of the above conditions the reason is ‘to ensure protection of the water environment and the management of flood risk’.

Conclusions

Subject to the implementation of the above conditions Atkins considers that there is no reason not to grant consent from a water or flood risk perspective”.

Highways Development Management

- 7.2 The County Highways representative has raised no objection to the application subject to the following recommended conditions:

“Site Location

The bridleway at Ham Lane joins Washpool Lane from where the site is accessed. Manor Farm Quarry is also accessed from Washpool Lane. The

remainder of Washpool Lane continues as a circular route for walkers and horse riders. Washpool Lane joins with Whelford Road where the geometry of the junction is to encourage left turn out movements but does not prohibit right turns. Visibility at the junction is good.

Trip Generation

The proposal generates trips by the export of sand and gravel and the import of inert material for the restoration and stabilisation of the unclassified highway. Due to the two activities occurring concurrently some back filling of lorries will occur. At worst case an average of 32 lorries per day will visit the site generating 64 trips per day. The justification for the number of lorry movements is set out in Appendix 2 of the Planning Statement.

Impact on Highway Network

Washpool Lane was constructed to serve both Manor Farm Quarry and Kempsford Quarry and is therefore suitable for use by lorries accessing both lorries. Passing places and speed humps exist along Washpool Lane. The current proposal is expected to operate at a rate that will generate fewer trips than when the quarry was in full operation.

Recommendation

For the reasons stated above I refer to the above planning application received on 28th August 2015 to which no Highway objection is raised.

Note:

The proposed development may involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works”.

- 7.3 **Ecology** has raised no objection to the application subject his comments and recommendation being taken into consideration. The response can be seen in full in Public Access with a summary below:

“They have taken account of the bird strike risk factor of the minerals development being near RAF Fairford. The approach of agricultural restoration with open water, scrub and trees, dry grassland and reedbed is set out at 5.6 of the ecology report as is appropriate as it will provide reduced bird strike risk but still provide some biodiversity gain.

Works will reduce the size of the lake by adding fill to the margins and in doing so produce a less steep profile. This reduces slightly the area of open water that would be attractive to geese. The modest profile changes will benefit vegetation establishment of reed including existing Salix bushes in the west and blackthorn with hawthorn on the eastern side. Overall increasing scrub and tall reed next to the open water will dissuade geese use as they prefer open short habitat next to lakes. Two areas next to the northern and also at the southern end of the bridleway will also be planted with native trees including field maple, hazel and dogwood. Open ground just off the lake margins in the south and west will be put down to ‘wildflower ‘hay’ meadow’ habitat. The term ‘hay’ is crucial here as it proposes that for most the year vegetation will be allowed to grow tall until it is harvested in late summer. This

measure will additionally help to provide an extra deterrent to geese. It is clear from the proposals that it aims to give increased bird strike protection together with some biodiversity gain. It is recommended that full details of landscaping and aftercare management for 5 years and beyond from final restoration of the proposed landform will be required.

A precautionary safeguard for nesting birds is put forward in the ecology report and this should be made the subject of a condition for the developer to comply with. Some interaction with other protected species such as grass snakes or possibly badgers (who have crossed over the site at times) cannot be completely ruled out. I am therefore recommending an advisory note on legally protected species to any consent that may be granted for the development. In relation to the County Council's Service Level Agreement with the Local Biological Records Centre (and to assist in the strategic conservation of countywide biodiversity) records from the ecological survey work commissioned from the applicant should be copied electronically to Gloucestershire Centre for Environmental Records (GCER). Another advice note is suggested to cover this.

Recommendations

As part of a consent that may be granted items such as the following below should be attached:

- Condition – A Landscape, Aftercare & Management Scheme based on the Ecology Plan' drawing KEMPPLAN1507A 7A dated 06.08.2015 and Section 6 of the 'Ecology Impact Assessment' dated 18th May 2015 shall be submitted to and approved by the Mineral Planning Authority no later than 12 months following the commencement of the development. The scheme shall include:*
 - (a) Aims and objectives of management including a main land use of agriculture and nature conservation, and maintenance of low bird strike risk by appropriate after-care management of habitats and if necessary high populations of geese or starlings on site;*
 - (b) A description of the landscape and habitat features to be created and/or managed including types, species and quantities;*
 - (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;*
 - (d) A work schedule (including a 5 yr and a longer term programme to maintain low bird strike risk to aircraft that are using the nearby airfield);*
 - (e) Monitoring and remedial/contingency measures;*
 - (f) Organisation and/or personnel responsible for implementation of the scheme;*

The Scheme shall also include details of the mechanisms by which the long-term implementation of the plan will be secured including with those organisations or persons responsible for its delivery. The scheme shall be implemented as approved by the Mineral Planning Authority.

Condition – No removal of hedgerows, trees or shrubs or soil stripping and lake margin in-filling works shall take place between 1st March and 31st August inclusive, unless a competent ecologist or suitably experienced person has undertaken a careful, detailed check of the vicinity of the vegetation,

ground or lake margin concerned for active birds' nests. No woody vegetation should be cleared or soil stripping or lake margin in-filling undertaken unless the ecologist or suitably experienced person has given confirmation that no birds will be harmed or that there are appropriate measures in place to protect any identified nesting birds on the site. Any such measures such as those set out on page 13 of the 'Ecology Impact Assessment' dated 18th May 2015 should also be copied in writing to the Mineral Planning Authority for information and then implemented.

Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

Advice Note - If a protected species (such as any grass snake, badger, water vole, otter, white-clawed crayfish, reptile, or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Mineral Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice, and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

7.4 **Archaeology** has raised No objection to the proposal subject to the following comments and recommendations:

"The planning application is supported by a Heritage Impact Assessment (compiled by John Moore Heritage Services, dated April 2015) which discusses the archaeological potential of the application site.

The assessment confirms that the application site is located within an a locality where extensive prehistoric, Roman and Anglo-Saxon remains are known to be present, much of the evidence being visible as crop marks depicted on aerial photographs. Mineral extraction of an adjoining area prompted archaeological mitigation (undertaken in 2000 – 2001) which revealed a Roman agricultural landscape. The assessment concludes that there is high potential for similar remains to be present within the area now proposed for development.

The evidence of the adjacent investigation means that the character and significance of the archaeology is well understood. For that reason it is my

view that there is no need for any further evaluation of archaeological impact prior to the determination of this planning application.

I confirm that I have no objection in principle to mineral extraction being undertaken on this site, with the proviso that an appropriate programme of archaeological work to excavate and record any significant remains should be undertaken before commencement of the development, so as to mitigate the impact of this scheme.

To facilitate the archaeological mitigation I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: to make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the NPPF".

Mineral & Waste (policy)

7.5 The County minerals and waste planning policy team has raised no objection to the application.

"The applicant has corrected referenced the appropriate policy documents:

- The Gloucestershire Minerals Local Plan 2003 (saved policies)
- The Gloucestershire Waste Local Plan 2004 (saved policies)
- The Gloucestershire Waste Core Strategy November 2012
- The Cotswold District Local Plan 2011 (Saved Policies)
- NPPF and National planning policy for waste

Given that the proposed volume of infill material appears to be much greater than the amount of proposed extraction material. The main policy focus of the application should be on the appropriateness of this scheme of restoration. The case officer should be satisfied that the application is in accordance with the saved suite of MLP restoration policies R1, R2 and R3 and WCS policies WCS8 and WCS15. In addition, consideration needs to be given to the potential increase risk of bird-strike (MLP DC4) and local flooding (WCS12) Advice from the County's Ecologist, the MOD and (*also possibly*) the retained flood risk management expert, will be key here.

Regarding the impact upon the local aggregate landbank, the proposal could be seen as broadly positive. Despite recent permissions, which have been granted (*such as Whetstone Bridge*) the remaining sand & gravel landbank for the county remains below the 7 years recommended within the NPPF. If the proposal is found to be acceptable in respect of all other matters, material weight should be given to this circumstance.

Furthermore, whilst the proposal isn't within the identified preferred areas as provided for within the adopted 2003 MLP, provision is potentially available through policy A4. Careful consideration should be given to the criteria afforded to this policy.

Other policies of relevance include WCS16 and WCS19, which cover historic environment and transport. General development management policies (MLP DC1-DC5) and retained WLP policies (38, 43 and 45) are also worth reviewing”.

Landscape

- 7.6 RSK who acted as landscape consultants for the MPA raised no objections to the application subject to their comments and recommendation being taken into consideration. The response can be seen in full in Public Access with a summary below:

“Visual Effects

With regards to potential visual effects, the applicant has made reference to the potential for visual effects on nearby residential properties on Ham Lane, Kempford. Potential visual effects have been correctly identified from the rear of a small number of properties on the eastern side of Ham Lane, within 300 m of the western boundary of the site. It is of note that 300 m is considered to be close range, as opposed to distant, which was stated in the applicant's statement. Other than some effects on users of the 'unclassified highway' no other key visual effects are identified.

In response to the potential visual effects on properties on Ham Lane, the applicant has proposed 'screening bunds' on the western boundary of the site for the duration of extraction to mitigate the effects. However no detail on the profile of the bunds has been provided. Without detail on the profile of the proposed bunds, it has to be assumed that there would remain a residual visual effect on residents of Ham Lane for the duration of extraction, particularly from the upper storey rear of identified properties.

Landscape Effects

With regards to potential landscape effects, reference is made by the applicant to the Cotswold Water Park Character Area (GCC, 2009) within which the site falls. However, no clear link is made by the applicant with regards to how the proposals achieve compatibility with the character area.

Having visited the site, and reviewed the local character assessment, it is clear that the proposals for restoration: i.e. the retention of a lake with surrounding planting; is appropriate within the local context. It is of note that, despite the site history of gravel extraction, the site's previous restoration has achieved a water body which has a natural appearance and is assimilated into the local landscape. In particular, its overgrown margins define the edge of the water body and provide some separation from the farmland to the west and the mineral workings to the east.

It is therefore clear that there will be some temporary adverse landscape effects during the operational phase of the mineral workings, given that the

'natural appearance' of the water body will be altered for the duration of the scheme.

Part of the proposed site is labelled as a 'Possible Stockpile Area.' It is understood that there is uncertainty as to whether this area is to be required, however more information would be helpful in understanding the potential effects on the landscape of a stockpile. Information such as a worst case height and appearance would assist in understanding its potential for temporary effects on the landscape.

Landscape Restoration

With regards to local policy, the proposed restoration does present the opportunity to enhance the landscape of the site, as is required by Policy R2, i.e.:

"Mineral operators will be required to facilitate realistic proposals for after-use as part of the reclamation scheme. Proposals will, where appropriate:
1) *Enhance the local character of the area..."*

The following is noted:

- 1) *It is clear that the restoration proposals are ecologically led with the key consideration being a restoration scheme which is intended to limit the attraction of the site to birds (geese most specifically) and therefore avoid 'bird strikes', i.e. collisions with planes taking off and landing at the nearby airfield;*
- 2) *The retention of a lake, albeit with shallower margins, is a positive aspect of the restoration as this retains the key landscape element within the site;*
- 3) *The proposal for blackthorn and hawthorn scrub between the lake and the 'unclassified highway' would be appropriate and would extend the existing hedgerow species that are located in a narrow strip adjacent to the unclassified highway;*
- 4) *Two small tree planting areas are proposed adjacent to the hawthorn/blackthorn scrub belt of planting. These areas are isolated and would benefit from extending and/or repeating throughout the hawthorn/blackthorn belt;*
- 5) *The proposal for Wildflower Hay Meadow and Willows on the western side of the lake would be appropriate in restoring the lake margins to a similar appearance to its present condition. Detailed information has not been provided by the applicant on how the Willows will establish here, other than that they will 'colonise naturally. Natural regeneration / colonisation is appropriate in this context, however the applicant might consider supporting this with translocation of trees/shrubs from nearby areas, and taking cuttings from on site plant material to help ensure establishment;*
- 6) *The access track in the eastern extent of the site is to be retained as an access track for agriculture and the temporary storage areas restored to grassland;*

Recommendations

We have no objection in principal to the development as proposed in the application in landscape and visual terms. However there is currently insufficient detailed information regarding the development's proposed landscape restoration scheme, and we recommend that further information is

secured from the applicant by way of planning conditions should you be minded to recommend the scheme for approval.

We recommend that planning conditions be imposed which seek the following information:

- 1) Additional detail on the treatment of the temporary earth bund in the western extent of the site. Given that the bund will be in place for three years, and to aid slope stability, it is recommended that the bund is seeded following its completion to ensure it is integrated into the landscape and to limit the effects on receptors on Ham Lane;
- 2) The worst-case height of materials to be stored in the 'Possible Stockpile Area' in the eastern extent of the site during operations should be confirmed;
- 3) Additional detail on the approach to tree and shrub planting throughout the site, including: hawthorn/blackthorn areas; tree planting areas; and the establishment of willow trees adjacent to the western extent of the lake. It is recommended that detailed landscape proposals set out the size, number and species of trees and shrubs on site, albeit with proposals relating to the natural colonisation of willow species relating more to the approach in achieving natural colonisation than specific planting proposals;;
- 4) The applicant's approach to the establishment and long-term management of the landscape proposals. It is recommended that a minimum 5 year management regime is conditioned;
- 5) Clarity on the assumed water level of the lake. The cross sections are assumed to maintain the 2013 lake level of 74.06 m AOD. However, it is important that this level is achieved following the completion of works to ensure the establishment of marginal planting and to maintain the appearance of the lake as a natural feature; and
- 6) Detail on the type and depth of the planting medium that will be established above inert material.

Landscape planning conditions

In the outcome of approval we advise the following content should be included within landscape conditions as the case officer sees fit, notwithstanding the inclusion of other restated conditions which respond to all the points above:

- Details on the levels and profile of 'screening bunds' in the western extent of the site. We would also suggest the inclusion of an appropriately worded condition that limits the height of material stockpiling, particularly in the eastern part of the site so that the visibility of stockpiles is limited (subject to an understanding that such a height limitation is reasonable without compromising the function of the site);
- Details of topsoil storage during the operational phase of gravel extraction;
- Detailed soft landscape proposals including information regarding proposed seeding mixtures, planting plans including plant numbers and densities, plant species and planting mixes, plant sizes and specification; and
- Information regarding the cultivation and other operations associated with the seeding and plant establishment, aftercare and maintenance. This may relate to the submission of a management plan".

Further information

- 7.7 To address the MOD objection requiring the applicant to revise there restoration proposals due to there non compatability with the MOD birdstrike safeguarding requirements of RAF Fairford the applicant consulted the MOD safeguarding team directly to try and address their concerns.
- 7.8 Subsequently the applicant submitted further information to address the MOD objection which can be seen in Public access.
- 7.9 This further information consisted of plans detailing the design of the lake and planting taking into consideration the requirements of MOD safeguarding.
- 7.10 The MOD and County Ecologist were consulted on the revised scheme with the following responses:

MOD Safeguarding

“Thank you for sending the revised plans for Kempsford Quarry, Ref 15/0071/CWMAJM. I can confirm the plans have taken into account previous objections made by the MOD, I therefore confirm the MOD are able to remove their objection providing a legally based BMP is put in place. The BMP must be in perpetuity, as having a plan that ends in 5 (or 10) years, resulting in an unmanaged water body in a critical location, is not suitable. The BMP must cover both water bodies not just the large area of water. Goose proof fencing must be erected. The BMP should make provision to allow access to inspection of the site by the MOD or its appointed agents each year (or more frequently if the MOD requires) to verify bird population. And at the reasonable request of the MOD disperse any geese, gulls or other populations considered by the MOD to pose an unacceptable hazard to air traffic.

Ecology

“Refinements to documents have been made to further reduce bird strike risk in response to comments made by the Ministry of Defence Safeguarding Unit. I have looked at this and have produced herewith an additional memo for you. Please refer to my earlier memo dated 1st September 2015 for more detailed comments on the merits of this application.

Revised Drawing Plans as follows have been submitted:

<i>Proposed Restoration Landform</i>	<i>KEMPPLA1612 1A</i>
<i>Cross Sections A-A' to B-B'</i>	<i>KEMPPLA1612 2A A</i>
<i>Cross Sections C-C' to D-D'</i>	<i>KEMPPLA1612 2B A</i>
<i>Cross Sections E-E' to F-F'</i>	<i>KEMPPLA1612 2C A</i>
<i>Ecology Plan</i>	<i>KEMPPLA1612 3A</i>

In a covering letter from the planning agent the changes are pointed out thus: The location/position, shape and size of the lake remain as before but the following features have been introduced:

- There are now three promontories stretching out from the lake shore provided in order to reduce the perception of the size of the lake from above*
- The bank sides have been steepened to a gradient of 1:3 to make them less attractive to flocking birds*

- *More reed planting has been introduced on the lake shore and the promontories to reduce the extent of bankside open grassland again to deter birds*

We are also informed that the applicant is willing to provide a 5 year aftercare scheme and to install bird proof fencing around the more exposed edges of the lake. On looking at the changes to the plans and developer's commitments I can confirm that they are acceptable as a solution to further reducing bird strike risk but still to deliver some beneficial end use for biodiversity on this relatively small site.

Revised Recommendations

As part of a consent that may be granted items such as the following below should be attached:

1. *Condition – A Landscape 5 year Aftercare & Management Scheme based on the Ecology Plan' drawing KEMPPLAN1612 3AA dated 22.12.2016 and Section 6 of the 'Ecology Impact Assessment' dated 18th May 2015 shall be submitted to and approved by the Mineral Planning Authority no later than 12 months following the commencement of the development. The scheme shall include:*

(a) Aims and objectives of management including main land use of agriculture and nature conservation, and maintenance of the land to achieve a low bird strike risk by avoiding high populations of geese or starlings to alight on the site;

(b) A description of the landscape and habitat features to be created and/or managed including types, species and quantities;

(c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;

(d) A work schedule (including a 5 yr aftercare and a longer term measures to maintain low bird strike risk to aircraft that are using the nearby airfield);

(e) Monitoring and remedial/contingency measures;

(f) Organisation and/or personnel responsible for implementation of the scheme;

The Scheme shall also include details of the mechanisms by which the long-term implementation of the scheme will be secured including with those organisations or persons responsible for its delivery. The scheme shall be implemented as approved by the Mineral Planning Authority.

Reason: *To conserve and enhance the environmental and amenity value of the land and in accordance with Local Plan Policy plus National Planning Policy Framework paragraphs 17, 109 and 118.*

1. *Condition – No removal of hedgerows, trees or shrubs or soil stripping and lake margin in-filling works shall take place between 1st March and 31st August inclusive, unless a competent ecologist or suitably experienced person has undertaken a careful, detailed check of the vicinity of the vegetation, ground or lake margin concerned for active birds' nests. No woody vegetation should be cleared or soil stripping or lake margin in-filling undertaken unless the ecologist or suitably experienced person has given confirmation that no birds will be harmed or that there are appropriate measures in place to protect any identified nesting birds on the site. Any such measures such as those set out on page 13 of the 'Ecology Impact Assessment' dated*

18th May 2015 should also be copied in writing to the Mineral Planning Authority for information and then implemented.

Reason: *To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.*

2. *Advice Note - If a protected species (such as any grass snake, badger, water vole, otter, white-clawed crayfish, reptile, or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Mineral Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works*
3. *Advice Note - In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).*

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice, and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions".

PLANNING

- 7.11 The proposal is to extract 17,000 tonnes of sand and gravel from the margins of the existing lake, import inert material to create safe and stable lake margins and shallows; and restore the lake for use as an ecologically based reservoir to comply with the requirements of the landowner to restore the site after mineral extraction.
- 7.12 The adjacent area of the site will house a site compound with site office, weighbridge and wheel cleaner for the duration of the consent
- 7.13 The main considerations in determining this application are as follows:
 - Site History
 - Sand & gravel Extraction/Mineral Sterilisation
 - Mineral Landbank
 - Amenity/ Dust/Noise
 - Ecology and Biodiversity Gains
 - Landscaping/visual impact
 - Flood risk/mitigation (groundwater, surface, run off water)

- Proposed Drainage Scheme
- Archaeology
- Restoration
- Bird strike Risk

Site History

- 7.14 In March 2000 planning permission was granted for part of the site to extend the sand and gravel workings and restore it to a lake. However the approved restoration scheme has never been completed and the consent has since expired.
- 7.15 The applicant was required to submit a new restoration scheme for the previously extracted area of the site which is currently a naturally filled lake with surrounding scrub land and the existing earth bunds which are approximately 3 metres in height and run along the south and western lake boundary.
- 7.16 North of the site is a small area of land that is allocated for sand & gravel (S&G) extraction in the adopted MLP. The applicant did consider including this area in the application along with an increased infilling operation of the existing lake. However it was considered to be not viable because of the combined extent of the archaeology and hydrological constraints including a reduction in flood storage capacity.

Proposal

- 7.17 To address the issue of restoring the existing site as required by the MPA the applicant submitted a new restoration scheme for the site involving extraction of S&G and importation of inert material.
- 7.18 Due to the constraints on parts of the original quarry and the Hydrology of the site and surrounding land the applicant has submitted a more modest proposal than was previously approved and considered (CT/6788/E). This proposal avoids most of the archaeological interest areas, and involves the extraction of approximately 17,000 tonnes of sand and gravel. The amount of infilling required to the existing lake will be lower than previously approved and will amount to approximately 70,000 tonnes of imported inert materials.
- 7.19 The proposed site is 9.2 hectares and is made up of two areas, the existing lake created after mineral extraction with adjacent soil bunds, the access haul road and storage area which is part of the adjacent recently partially restored quarry. The two areas are connected by an earth bridge over the track way allowing access between the two.

Archaeology

- 7.20 To support the application the applicant submitted a Heritage Impact Assessment (compiled by John Moore Heritage Services, dated April 2015) which discusses the archaeological potential of the application site and can be viewed in public access.
- 7.21 The County Archaeologist (CA) in their consultation response was of the opinion that the assessment confirmed that the application site was located within an area where extensive prehistoric, Roman and Anglo-Saxon remains

are known to be present, much of the evidence being visible as crop marks depicted on aerial photographs. Mineral extraction of an adjoining area prompted archaeological mitigation (undertaken in 2000 – 2001) which revealed a Roman agricultural landscape. The assessment concludes that there is high potential for similar remains to be present within the area now proposed for development.

- 7.22 The evidence of the adjacent investigation means that the character and significance of the archaeology is well understood. For that reason it was CA view that there is no need for any further evaluation of archaeological impact prior to the determination of the planning application.
- 7.23 The CA made no objection in principle to mineral extraction being undertaken on this site, with the proviso that an appropriate programme of archaeological work to excavate and record any significant remains should be undertaken before commencement of the development, so as to mitigate the impact of this scheme in accordance with paragraph 141 of the National Planning Policy Framework.

Extraction/ Landbank

- 7.24 The applicant has stated that whilst the proposed extraction is modest in scale, it will contribute to reducing the current shortfall of the sand & gravel landbank for the county which remains below the 7 years recommended within the NPPF and Policy A2 of the adopted MLP.
- 7.25 The proposed extraction area is only approximately 150 - 200 metres away from an area previously allocated for gravel extraction in the adopted MLP. The applicant has stated that this allocation has proven not to be economically viable due to the presence of the Archaeology. The proposed extraction would contribute to offsetting the loss of this reserve in accordance with Policy A4 of the MLP.
- 7.26 The proposal to extract 17,000 tonnes of S&G will contribute to preventing the mineral from being sterilised as the small amount of S&G that is to be extracted is only economically viable in connection with the restoration of the site as equipment and employees required for the restoration can be used for the extraction of mineral.
- 7.27 The site is well placed to serve local markets including Swindon and Cirencester both of which lie within 12 miles or so of Kempsford and is in accordance with Policy E19 of the adopted MLP.
- 7.28 In their consultation response the Mineral Policy Officer was of the opinion that the proposed extraction would contribute to reducing the S&G landbank shortfall and that this should be a material consideration when considering the proposal in accordance with Policy A2 of the adopted MLP.

Extraction

- 7.29 The proposed extraction of approximately 17,000 tonnes of sand & gravel from the area of land beneath the existing soil bunds located to the west of the lake consists of about 0.7 hectares. The depth of extraction will be approximately 2.4 metres and will be extracted using a 360 excavator. The

mineral will be loaded directly onto lorries without the need to be processed on site meaning that no plant will be required on site to process the mineral in accordance with policy DC2 of the adopted MLP.

- 7.30 The S&G will be extracted wet so there will be no need to dewater the extraction area prior to extraction. The applicant has stated that the extraction will be completed within 12 months of commencement of extraction limiting the impact on the local highway network in accordance with Policy E19 of the adopted MLP.

Noise/Dust

- 7.31 To address the issue of any potential dust & noise emanating from the site during its proposed operation the applicant submitted a Dust Assessment completed by DustSan dated May 2015 and a Noise Assessment completed by WBM Acoustic Consultants both of which can be viewed in Public Access.
- 7.32 The Dust Assessment concluded that if the proposed mitigation is put in place there should be sufficient screening via soil bunds and mature vegetation to ensure that unacceptable fugitive dust impacts are unlikely.

“Consequently, the proposed activities at Kempsford Quarry could be operated in a manner unlikely to cause adverse dust impacts to receptors in its vicinity”

- 7.33 CDC who act as the MPA’s advisor on dust matters did not object or raise any concerns to the application in their consultation response subject to a condition being put in place requiring the applicant to submit a detailed scheme of dust management and monitoring that incorporates the dust mitigation measures contained in the Dustscan report.
- 7.34 The issue of dust was not raised by any consultees or near neighbours. It is therefore the opinion of the MPA that the proposed dust mitigation measures proposed are in accordance with Policy DC1 of the adopted MLP.
- 7.35 The submitted Noise Assessment concluded that the *“proposed operations conform to the advice set out in the Planning Practice Guidance with regard to both routine and temporary operations and it is considered that the site can be worked while keeping noise emissions to within environmentally acceptable limits”*.
- 7.36 CDC who act as the MPA’s advisor on Noise levels did not object or raise any concerns to the application in their consultation response subject to a noise condition be included in any granted consent that limited noise levels emitted from the site to 45dB LAeq 1 hour, between 07:00hr to 19:00hr Monday to Friday and 07:00hr to 13:00 hour on a Saturday, as measured at any noise sensitive property.
- 7.37 The issue of noise was not raised by any consultees or near neighbours. It is therefore the opinion of the MPA that the proposed mitigation measures proposed in the application should limit noise levels to 45dB LAeq 1 hour at the nearest residential property in accordance with the NPPF and Policy DC1 of the adopted MLP.

Landscape

- 7.38 The site is currently screened from the village of Kempsford by existing foliage between the site and residential properties and an existing earth bund. The applicant is proposing to reform the existing soil bunds to create a 3m high bund to help screen the nearest residential properties and village during the operation at the site.
- 7.39 RSK the councils landscape advisors are of the opinion that the proposal will not have a detrimental effect upon the surrounding area and that the landscape mitigation proposed will contribute to partially screening the site during extraction and infilling operations. In accordance with Policy E10 and R2 of the adopted MLP.

Restoration/landscape

- 7.40 Due to the closeness' of the location of the site to RAF Fairford the applicant proposed to restore the site to an ecologically based reservoir with shrub and tree planting designed to deter flocking birds.
- 7.41 However the MOD in their consultation response objected to the proposed restoration of the site on the following grounds:
- A) Allow access to an inspection of the site by the MOD or its appointed agents each year (or more frequently if the MOD requires) to verify bird populations;
 - B) At the reasonable request of the MOD disperse any geese, gulls or other bird populations considered by the MOD to pose an unacceptable hazard to air traffic;
 - C) The surrounding vegetation needs to be better designed to minimise its attractiveness to birds.
- 7.42 To address this objection the applicant submitted a revised scheme to the MOD which they found acceptable and withdrew their objection subject to a legal agreement being agreed between the interested parties and the MOD to comply with points A and B above.
- 7.43 The revised restoration proposal is designed to a size and specification intended to ensure no loss of flood plain capacity for the area. The restoration scheme will reduce the size of the lake by adding fill to the margins and producing a steepened bank to a gradient of 1:3 to make them less attractive to flocking birds. Three promontories stretching out from the lake shore will be created to reduce the perception of the size of the lake from flying birds above as shown in plan Kempland1612 dated 22.12.2016.
- 7.44 The amount of inert material required will be approximately 70,000 tonnes which will be conditioned if the proposal is approved.
- 7.45 The proposed modest profile changes and planting are designed to benefit vegetation establishment of reed including existing salix bushes in the west and blackthorn with hawthorn on the banksides and promontories.

- 7.46 This will increase the amount of scrub and tall reed next to the open water which should deter large flocks of wildfowl from using or flocking up in the lake reducing the possibility of bird strike on aircraft landing or departing RAF Fairford.
- 7.47 Upon conclusion of the development the area of the site adjacent to the lake will be returned to grassland with the haul road being retained for agricultural use of the landowner in accordance with Policy DC3 of the MLP.

Ecology

- 7.48 To support the application the applicant submitted a Ecology Impact Assessment (ECA) by Ad Ecology dated 18th May 2015 and which can be viewed on public access.
- 7.49 The County Ecologist was of the opinion that the ECA had taken into account any potential Ecological impacts on the lake and surrounding area from the proposed extraction and restoration of the site.
- 7.50. The County Ecologist was of the view that the applicant had taken into consideration the risk of bird strike from the minerals development and its proposed restoration to the surrounding area and specifically near by RAF Fairford.
- 7.51 The proposed restoration of the site to agricultural with open water, scrub and trees, dry grassland and reedbed was appropriate as it would provide an environment unsuitable for flocking birds therefore reducing the risk of Bird Strike in accordance with Policy DC4 of the adopted MLP.
- 7.52 He was also of the opinion that the proposed restoration would provide a biodiversity gain and was therefore in accordance with the National Planning Policy Framework paragraphs 17, 109 and 118 and Policy E10 of the adopted MLP.
- 7.53 The proposed restoration scheme should increase the amount of available breeding, foraging habitat and food sources, particularly invertebrates, for key Gloucestershire species known or likely to inhabit the site in the future including small migrant passerine birds, bats, brown hare, other mammals and reptiles. The expansion in habitat and foraging areas for wildlife allows the current species and communities on site to be further protected and become more robust and resilient to environmental changes.

Highways

- 7.54 To support the proposal the applicant submitted information relating to lorry movements over the 24 month period of the proposed operation of the quarry which can be seen in Public Access Appendix 2.
- 7.55 The applicant is proposing that the gravel extraction will be completed within a maximum 12 month period and the infilling within 24 months from commencement. This will mean that as both activities will be taking place concurrently there will be opportunities for back filling of loads (i.e. lorries taking material out, will also bring material in).

- 7.56 The applicant has estimated during the first 12 months there will be a maximum of 32 lorry movements a day combining gravel extraction and inert infill importation.
- 7.57 With the finishing of the gravel extraction the second 12 months will only involve importation of inert material for restoration and vehicle movements will be reduced to 26 lorry movements a day.
- 7.58 Kempford Parish Council (KPC) raised concerns in relation to vehicle movements and lorries passing the 'Allotments Corner' junction at Kempford, which they believe is unsuitable for the size and volume of lorries currently using it never mind the proposed increase in lorry movements from the proposal.
- 7.59 The Highways Development Management representative raised no objection to the application and was of the opinion that as Washpool Lane had been resurfaced to take quarry traffic and therefore was suitable for use of lorries accessing Stubbs farm quarry.
- 7.60 They not did raise any concerns relating to vehicle movements in the surrounding road network including the 'Allotments Corner' junction and were of the opinion that the current road network had capacity to deal with the proposed lorry movements as proposed. Specifically as the proposal will generate fewer lorry trips than when the quarry was in full operation in accordance with Policy E20 of the adopted MLP.
- 7.61 In relation to KPC desire to have a financial contribution to highways improvements to the Allotments Corner' junction the Highways Development Management representative did not think there was a need or that the proposal produced substantiating increased traffic enough to require a contribution.

Flood risk/mitigation (groundwater, surface, run off water) Drainage

- 7.62 To support the proposal the applicant submitted a Hydrogeological and Hydrological Impact and Flood Risk Assessment (FRA) produced by GWP consultants which can be viewed in public access.
- 7.63 The FRA addressed to issues of flood risk, groundwater flows and surface water.
- 7.64 The applicant has stated that they propose to extract the sand and gravel wet, so no pumping/de watering will be required during the extraction. GWP are therefore of the opinion that the hydrogeological regime will not be altered during the extraction phase and as such, no mitigation measures will be required during the extraction of the sand & gravel.
- 7.65 During the partial infilling of the site in accordance with the submitted plans and schemes the lower permeability inert fill will likely restrict the groundwater flow currently entering the lake leading to a possible increase in water in the ditch system and potentially causing localised groundwater flooding.

- 7.66 To mitigate this risk the applicant is proposing to reinstate a former land drain that flows along the northern and western boundary line of the proposed development. This drain will intercept southerly flowing groundwater flow and route it around the western side of the site, connecting it into the existing southern drain that takes overflow water from the exiting lake in accordance with Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.
- 7.67 The extraction and restoration of the development will be engineered to enable the surface water to flow into the lake as present meaning no additional mitigation measures will be required.
- 7.68 The restored site should provide flood benefits through a combination of greater flood storage below ground but above the lake water level and by re-instatement of the eastern perimeter ditch immediately to the west of the unclassified highway.
- 7.69 GWP were of the opinion that the minor impacts on the groundwater regime as a result of the proposed development can be mitigated as proposed to limit this impact to an insignificant level in accordance with Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.
- 7.70 KPC objected to the application on drainage and flood risk issues and there comments can be seen in paragraph 6.2 of this report.
- 7.71 There main concerns relate to where the water entering the ditches from the proposed site will drain to considering the current make up of ditch systems surrounding the site.
- 7.72 KPC are of the opinion that the ditch running adjacent to the site does not connect to any existing ditch network and will not take waterflows towards the river Thames.
- 7.73 Atkins who act as the MPAs Hydrological and Hydrogeological consultant on behalf of the LLFA was consulted on the application and specifically the submitted FRA.
- 7.74 Atkins in their response (which can be seen in para 7.1) were of the opinion that there was still the potential for a rise in groundwater and surface water flooding due to the partial infilling of the lake of the surrounding area
- 7.75 To address these issues and the concerns of KPC Atkins recommended 3 conditions that required the applicant if consent is granted to submit the following:
- *Prior to the commencement of extraction of sand and gravel the applicant will be required to submit a scheme for the monitoring of groundwater levels in the vicinity of the site to provide information for the design of the long-term groundwater management system and for the assessment of its performance.*

This scheme will enable the operator and subsequently the MPA to monitor the ground water levels of the sites surrounding area. This

information will then be used produce a groundwater management system that will be implemented once approved by the MPA to manage the groundwater levels to manage and reduce the flood risk of the locality in accordance with Policy Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.

- Prior to commencing and dewatering of the site, the applicant will be required to submit a detailed method statement for the construction of the clay cells proposed within the Hydrogeological and Hydrological Impact Assessment and measures to be implemented in the event of the River Thames being in flood.*
- Prior to the commencement of the importation infill to restore the site the applicant will be required to submit and have approved in writing a detailed scheme for the design and installation of a groundwater flooding mitigation ditch and its waterflow direction to an appropriate disposal point.*

7.76 This condition will require the applicant to demonstrate where the groundwater flooding mitigation ditch will be located, its waterflow direction and where the water will flow to and how it will get there such as the Thames. In accordance with Policy Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.

7.77 The conditions above that will be required to be submitted will be consulted on by a qualified Hydrologist for there approval.

7.78 Atkins are of the opinion that the proposed conditions once approved and implemented should address the concerns of KCP and that there was no reason not to grant consent from a water or flood risk perspective and that the proposal was in accordance with Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.

7.79 The EA were satisfied that the mitigation measures proposed by the applicant including the reinstatement of the ditch immediately east of the existing lake and unclassified highway ditch would mitigate any potential flood risk from the proposal and was in accordance with Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.

Objections

7.80 One objection was received from KPC on the grounds of vehicle movements and Flood risk.

7.81 In relation to vehicle movements the Highways Development Management representative raised no objection to the application and was of the opinion that the current road network had capacity to deal with the proposed lorry movements especially as the proposal will generate fewer lorry trips than when the quarry was in in full operation and was in accordance with Policy E20 of the adopted MLP.

7.82 There other concern relates to where will the water entering the ditches from the proposed site drain to considering the current make up of ditch systems surrounding the site.

- 7.83 KPC are of the opinion that the ditch running adjacent to the site does not connect to any existing ditch network and will not take waterflows towards the river Thames.
- 7.84 Atkins who act as the MPAs Hydrological and Hydrogeological consultant on behalf of the LLFA are of the opinion that the proposed conditions once approved and implemented should address the concerns of KPC and ensure that the ditches water will flow towards an appropriate water course.
- 7.85 Atkins and the EA were satisfied that the mitigation measures proposed by the applicant including the reinstatement of the ditch immediately east of the existing lake and unclassified highway ditch would mitigate any potential flood risk from the proposal and was in accordance with Policy WSC12 of the Adopted WLP and Chapter 10 of the NPPF.

Human Rights

- 7.86 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.
- 7.87 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.
- 7.88 One objection was received from Kempford Parish Council relating to highways and flood risk issues. For the reasons set out in the observations of the Head of Planning and Development it is not thought there would be any breach of the convention rights. Even if there was to be an interference with convention rights then, in this case, it is thought that the interference would be justified in the interests of economic well-being of the country. Accordingly, it would not be unlawful to grant planning permission for this development.

Conclusions and summary reasons for grant of planning permission and relevant development plan policies

- 7.89 The proposal is to extract 17,000 tonnes of sand and gravel; to import inert material to create a standoff between the unclassified highway that runs through the quarry site and the adjacent lake; and to restore the lake for use

as an ecologically based agricultural reservoir and provide site compound with site office, weighbridge and wheel cleaner.

- 7.90 The proposal will enable the operator to restore an existing lake created by previous mineral extraction to a biodiversity beneficial landscape and comply with the requirements of MOD safeguarding in relation to the prevention of potential bird strikes.
- 7.91 The proposed extraction of the site will only be economically viable as part of the restoration of the site because of its modest scale and will contribute to Gloucestershire's required aggregate supply preventing it from becoming sterilised.
- 7.92 The adjacent Kempsford Quarry has operated as a local inert landfill site serving the local construction industry for many years. The proposal will enable the continuation of this function of providing a small scale local facility to take surplus inert materials, enabling the site to achieve a quality restoration that would provide beneficial after use by increasing the ecological value, local landscape and reduce the risk of bird strike that currently exists.
- 7.93 After considering all the submitted information from the applicant and statutory consultees it is considered that the development will not adversely affect the amenity of neighbouring users and is in accordance with the NPPF and relevant Development Plan Policies. It is considered that with the proposed conditions in place to protect amenity that the proposal gives rise to no material harm, is in accordance with the development plan and that there are no material considerations that indicate that the application should be refused.
- 7.94 This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan policies, including the following:

Gloucestershire Minerals Local Plan (adopted October 2004) – Saved Policies A1, A2, A4, R1, R2, R3, DC1, DC2, DC3, DC4, E10, E11, E19 and E20.

Gloucestershire Waste Core Strategy (adopted November 2012) Policies WCS1, WCS8, WCS12, WCS14, WCS15, WCS16 and WCS19

Gloucestershire Waste Local Plan Policy 38

Cotswold District Council Local Plan adopted April 2006 – Saved Policy 5.

Positive and Proactive Statement

- 7.95 In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF as set out in the Town and

Country Planning (Development Management Procedure) (England)
(Amendment No.2) Order 2012

8.0 RECOMMENDATION

- 8.1 Subject to the Applicant entering into a Section 106 Legal Agreement to secure a Bird Management Scheme It is recommended that planning permission be granted for the reasons set out in this report and summarised at paragraphs 7.89 to 7.95 and subject to the following conditions:

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 3 years beginning with the date of this permission. Written notification of the date of commencement of extraction and or importation of inert material shall be sent to the Mineral Planning Authority within 7 days of such commencement

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Duration of Permission

2. This permission shall cease on or before the expiration of 2 years from the date of commencement as notified on condition 1 of this consent.

Reason: To comply with the requirements of Section 72(5) and paragraph 1 of part 1 of Schedule 5 to the Town and Country Planning Act 1990.

Scope of Development

3. Unless in compliance with conditions or varied by other condition(s) attached to this permission, the development hereby permitted shall be carried out within the site edged red on the 'Site Location Plan' Kempplan1507A drawing 1 version B (hereafter referred to as the Site) together with accompanying 'Planning Statement' dated August 2015, 'Dust Assessment' dated May 2015, 'Noise Assessment' dated 29th April 2015, 'Heritage Impact Assessment' dated April 2015, 'Ecology Impact Assessment' dated 18th May 2015, 'Hydrogeological and Hydrological Impact and Flood Risk Assessment' dated 30th July 2015, Agent letter dated 23/12/16 and specifications with any scheme, working programme or other details and documents and approved plans (drawing numbers);

Kempplan1507A drawing 2 version B 'Site Plan' dated 06.08.2015
Kempplan1507A drawing 3 version B 'Site Survey July 2013' dated 30.07.2015

Kempplan1507A drawing 4 version B 'Site layout and phasing of site development' dated 30.07.2015

Kempplan1612 drawing 1; Proposed restoration landform, Dated 22.12.2016

Kempplan1612 drawing 2A; Cross Sections A-A to B-B, Dated 22.12.2016;
Kempplan 1612 drawing 2B; Cross Sections C-C to D-D, Dated 22.12.2016
Kempplan1612 drawing 2C; Cross Sections E-E to F-F, Dated 22.12.2016
Kempplan1612 3A 'Ecology Plan' dated 22.12.2016

And specifications with any scheme, working programme or other details submitted for the prior written approval of the Minerals Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the Minerals Planning Authority to deal promptly with any development not in accordance with the approved plans and details and to define the scope of this consent, in the interests of the amenity of the area and in accordance with Policies DC1 and DC2 of the Gloucestershire Minerals Local Plan 1997 - 2006.

Infill

4. The total quantity of inert material imported into the site (as defined on plans 'Kempplan1612 (1)' 2A, 2B and 2C' for the restoration of the site shall not exceed 70,000 cubic metres of inert fill, comprising of soils, clays and inert construction waste for the duration of this permission

Reason: To define the scope of the application in the interests of highway safety in accordance with Core Policy WCS19 of the WCS and in the interests of the amenity of the area in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

Importation of inert material

5. Nothing other than uncontaminated, inert and natural excavated materials, (including soils, subsoils, bricks and concrete) shall be deposited at the site.

Reason: To protect the amenity of the local environment and in accordance with Policies DC1 and DC2 of the Gloucestershire Minerals Local Plan 1997 - 2006.

6. Prior to commencement of extraction and importation of inert material a 'Waste Reception Protocol' Shall be submitted to and approved in writing to the Waste Planning Authority and implemented in full as approved.

Reason: To protect the amenity of the local environment and in accordance with Policies DC1, DC2 and DC3 of the Gloucestershire Minerals Local Plan 1997 – 2006 and Policy 37 of the Gloucestershire Waste Local Plan.

Record Keeping

7. From the date of this permission the operators shall maintain records of the number of vehicles bringing materials to the site, and the quantity and type of material accepted onto the site for restoration and shall make them available to the Minerals and Waste Planning Authority at any time upon request, within seven days of such a request. All records shall be kept for at least 24 months.

Reason: In order that the Mineral Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policies E20, R1, DC1 and DC2 of the Gloucestershire Minerals Local Plan 1997 - 2006.

Building & Plant

8. Prior to extraction of Sand & Gravel and importation of inert material for purposes of restoring the site details of a weighbridge, to be installed at the site, shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The weighbridge shall be installed in accordance with the approved details before the commencement of mineral extraction and or importation of inert material and shall be used and maintained as such thereafter for the duration of the development.

Reason: In order that the Mineral and Waste Planning Authority can monitor the site in the interests of the amenity of the area in accordance with Policy 37 of the adopted Gloucestershire Waste Local Plan.

Plant Machinery

9. Notwithstanding the provisions of parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing, or re-enacting that Order), no fixed plant or machinery, buildings or structures shall be erected, extended, installed or replaced on the site without the prior written approval of the Minerals and Waste Planning Authority.

Reason: To secure control over additional plant and machinery in the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

10. All plant, machinery, buildings and structures shall be removed from the site within 3 months of the completion of the approved restoration scheme of the site.

Reason: To ensure the removal of plant machinery on cessation of quarrying, in the interests of the amenity of the area and in accordance with Policy 37 of the Gloucestershire Waste Local Plan.

Hours of Working

11. Except in emergencies where operations are required to protect life, limb or property, operations (including the manoeuvring, loading or unloading of vehicles, processing and/or primary or ancillary activity associated with the winning and working of minerals and waste

importation) shall only take place between the hours of:

07:30 – 18:00 hours Monday to Friday

08.00 – 13:00 hours Saturday

No servicing, maintenance and testing of plant shall be carried out at the site between 18:00 hours and 07:30 hours on any day.

There shall be no working on Sundays, Local, Bank or Public Holidays.

Reason: To protect the amenity of the local environment, and in accordance with Policies DC1 and E20 of the Gloucestershire Minerals Local Plan.

Access, Traffic and Protection of the Highway

12. Prior to the commencement of mineral extraction and or importation of inert material a wheel wash shall be installed and used for cleaning all HGV vehicles leaving the site and thereafter be maintained in good working order for the duration of the consent.

Reason: To ensure that mud and earth deposits are not brought onto the public highway in the interests of highway safety in accordance with Policy E20 of the Gloucestershire Minerals Local Plan 1997 - 2006

13. No lorries leaving the site shall enter the public highway unless their wheels and chassis are clean, to prevent materials being deposited on the highway.

Reason: In the interests of highway safety and to help prevent mud and dust from being carried out onto the highway in accordance with Policy E20 of the Gloucestershire Minerals Local Plan.

14. No mud, debris and materials shall be deposited on the highway from commercial vehicles leaving the site.

Reason: In the interests of highway safety and to prevent mud, debris and materials getting machinery and, in particular silencers shall be fitted to and used by all vehicles, plant and machinery on the site.

Archaeology

15. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: to make provision for a programme of archaeological so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework”.

Environmental Protection

Noise

16. The level of noise emitted from the site shall not exceed 45 dB(A) freefield expressed as a 1 hour Leq between the hours of 07:00 and 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays as measured or calculated at the nearest noise sensitive residential property (42 Ham Lane) . The only exception to this would be for temporary operations as defined by the national guidance in the NPPF. The applicant shall keep monitoring records to demonstrate compliance with this condition and provide to the local planning authority upon request.

No work shall take place on Sundays or any bank holidays.

Reason: To protect the amenity of the local environment in accordance with Policy DC1 of the Gloucestershire Minerals Local Plan.

17. All reasonable steps shall be taken to minimise noise from vehicles and machinery, and in particular (but without prejudice to the generality of the foregoing) efficient silencers shall be fitted to and used by all vehicles and machinery on the site.

Reason: To protect the amenity of the local environment in accordance with Policies DC1 and E20 of the Gloucestershire Minerals Local Plan.

18. All HGV vehicles and plant machinery shall be fitted with white noise reversing warning devices.

Reason: In the interests of amenity of the area in accordance NPPF, NPPG and Policy 37 of the Gloucestershire Waste Local Plan and DC1 of the Gloucestershire Minerals Local Plan.

Dust

19. Prior to operations commencing on the site a detailed scheme of dust management and monitoring shall be approved in writing with the local planning authority. This shall incorporate the dust mitigation measures contained in the Dustscan report, submitted as part of the planning application and dated May 2015. It shall include a programme of proactive monitoring and recording in order to demonstrate compliance with air quality standards and dust deposition, which should be available for inspection by the Local Planning Authority. The approved scheme shall be implemented in full as approved.

Reason: To protect the amenity of the local environment in accordance with Policy DC1 of the Gloucestershire Minerals Local Plan.

20. No materials shall be burnt on the site at any time.

Reason: To protect the amenity of the local environment in accordance with Policy DC1 of the Gloucestershire Minerals Local Plan.

Lighting

21. Prior to the installation of any external lighting to be used on site details shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. Thereafter the approved details shall be implemented and maintained for the duration of this consent.

Reason: To prevent light spillage in a rural area and to protect the local amenity in accordance with Policy DC1 of the Gloucestershire Minerals Local Plan 1997 - 2006.

Hydrology

22. Prior to the commencement of extraction of sand and gravel the applicant shall submit for the written approval of the Mineral & Waste Planning Authority a scheme for the monitoring of groundwater levels in the vicinity of the site to provide information for the design of the long-term groundwater management system and for the assessment of its performance. Once approved the scheme shall be implemented in full for the duration of the operation, restoration and after-care phases and annual reports shall be provided to the Mineral & Waste Planning Authority.

Reason: To assess the risk of effects arising from changes in groundwater levels from dewatering activities at the site and to ensure protection of the water environment and the management of flood risk in accordance with the NPPF, NPPG and Policies E11 and E12 of the Minerals Local Plan.

23. Prior to commencing and or dewatering of the site, whether to facilitate infilling or otherwise, the applicant shall submit and have approved in writing by the Mineral & waste Planning Authority a detailed method statement for the construction of the clay cells proposed within the Hydrogeological and Hydrological Impact Assessment. Such assessment shall also detail the management of abstracted water including measures to be implemented in the event of the River Thames being in flood. Once approved the scheme shall be implemented in accordance with the approved scheme.

Reason: to ensure protection of the water environment and the management of flood risk in accordance with the NPPF, NPPG and Policies E11 and E12 of the Minerals Local Plan.

24. Prior to the commencement of restoration using imported inert fill the applicant shall submit and have approved in writing a detailed scheme for the design and installation of the groundwater flooding mitigation ditch and its direction to an appropriate disposal point. Once approved the scheme shall be implemented in accordance with the approved scheme.

Reason: to ensure protection of the water environment and the management of flood risk in accordance with the NPPF, NPPG and Policies E11 and E12 of the Minerals Local Plan.

25. Any above ground storage tanks should be sited on an impervious base and surrounded by a suitable liquid tight bonded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all pipes draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policies E11 and DC1 of the Gloucestershire Minerals Local Plan.

Ecology

26. No removal of hedgerows, trees or shrubs or soil stripping and lake margin in-filling works shall take place between 1st March and 31st August inclusive, unless a competent ecologist or suitably experienced person has undertaken a careful, detailed check of the vicinity of the vegetation, ground or lake margin concerned for active birds' nests. No woody vegetation should be cleared or soil stripping or lake margin in-filling undertaken unless the ecologist or suitably experienced person has given confirmation that no birds will be harmed or that there are appropriate measures in place to protect any identified nesting birds on the site. Any such measures such as those set out on page 13 of the 'Ecology Impact Assessment' dated 18th May 2015 should also be copied in writing to the Mineral Planning Authority for information and then implemented.

Reason: To ensure that wild birds building or using their nests are protected as required by law and in accordance with ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 109 and 118.

Landscaping

27. Prior to the commencement of extraction a detailed landscaping scheme for the restoration of the site shall be submitted to the Mineral & Waste planning Authority for written approval. The approved scheme shall be implemented in full as approved.

Reason: To ensure the proper restoration of the site and minimise the risk of birdstrike in accordance with Policies R1, R2 and DC4 of the Gloucestershire Minerals Local Plan.

28. Prior to the commencement of extraction or infilling a scheme outlining the final slope gradients, marginal planting and provision of goose-proof fencing for the 'existing lake' shall be submitted to the Mineral & Waste Planning Authority for its written approval. Thereafter the scheme as approved shall be implemented within 3 months of approval and maintained until at least the cessation of the aftercare period required under condition 24 of this consent.

Reason: To ensure the proper restoration of the site and minimise the risk of birdstrike in accordance with Policies R1, R2 and DC4 of the Gloucestershire Minerals Local Plan.

RESTORATION

Ecology/Aftercare

29. A Landscape 5 year Aftercare & Management Scheme based on the Ecology Plan' drawing KEMPPLAN1612 3A dated 22.12.2016 and Section 6 of the 'Ecology Impact Assessment' dated 18th May 2015 shall be submitted to and approved by the Mineral & Waste Planning Authority no later than 12 months following the commencement of the development. The scheme shall include:
- (a) Aims and objectives of management including a main land use of agriculture and nature conservation, and maintenance of the land to achieve a low bird strike risk by avoiding high populations of geese or starlings to alight on the site;
 - (b) A description of the landscape and habitat features to be created and/or managed including types, species and quantities;
 - (c) Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
 - (d) A work schedule (including a 5 year aftercare and a longer term measures to maintain low bird strike risk to aircraft that are using the nearby airfield);
 - (e) Monitoring and remedial/contingency measures;
 - (f) Organisation and/or personnel responsible for implementation of the scheme;

The Scheme shall also include details of the mechanisms by which the long-term implementation of the scheme will be secured including with those organisations or persons responsible for its delivery. The scheme shall be implemented as approved by the Mineral & Waste Planning Authority.

Reason: To conserve and enhance the environmental and amenity value of the land and in accordance with Policy R1 and R2 of the Gloucestershire Minerals Local Plan and National Planning Policy Framework paragraphs 17, 109 and 118.

30. Within five years of planting, any trees, shrubs, or other plants that die or become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species in accordance with the details of the approved scheme.

Reason: To ensure the proper restoration of the site in accordance with Policies R1 and R2 of the Gloucestershire Minerals Local Plan.

31. The approved aftercare scheme shall be implemented and maintained for a five-year period as approved in full. This aftercare period shall commence on the date the Mineral & Waste Planning Authority has

provided written confirmation that the restoration is completed to a satisfactory standard.

Reason: To ensure a regime of agricultural husbandry to assist soil structural development, prevent damage to soils and install the infrastructure such as under-drainage to bring land to the required standards for agriculture and/or to fulfil biodiversity objectives in accordance with Policies E10, R1 and R2 of the Gloucestershire Minerals Local Plan.

Notes

- If a protected species (such as any grass snake, badger, water vole, otter, white-clawed crayfish, reptile, or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Mineral Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works
- In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).

It is my view that the above advice is in accordance with the National Planning Policy Framework, ODPM Circular 06/2005, Natural England's Standing Advice, and with Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

BACKGROUND PAPERS:

Application form, plan and supporting information. Consultation responses.

CONTACT OFFICER:

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