

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr Chris Lowden, SLR Consulting Ltd, Aspect House, Aspect Business Park, Bennerley Road, Nottingham, NG6 8WR**

Agent for: **Wolf Minerals (UK) Ltd, Drakelands Mine, Drakelands, Nr Plymouth, PL7 5BS**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **9 December 2015**, and the plans and drawings attached thereto numbered:

a) GRES Drawing WHP 100-L-001 (Rev. H) Plant and Infrastructure Layout Plan; b) GRES Drawing WHP 100-L-018(Rev. C) Wet Plant external view elevations; c) Blackwell Drawing CAB-4D-691 (2.5m contours showing current status of Drakelands Mine as of July 2016); d) Blackwell Drawing CAB-4D-690 (2.5m contours at June 2021); e) Blackwell Drawing CAB-4D-689 (2.5m contours showing Final extent of Drakelands Mine); f) SLR Drawing 27.01939.00023.HVA.203 (MWF to 177m AOD); g) SLR Drawing 427.01939.00023.HVA.204 (MWF to 177m AOD); h) SLR Drawing 427.01939.00023.HVA.210 (MWF to 190m AOD); i) SLR Drawing 427.01939.00023.HVA.211 (MWF to 195m AOD); j) SLR Drawing 427.01939.00023.HVA.215 (MWF to 215m AOD); k) SLR Drawing 427.01939.00023.HVA.216 (Plan of Stage 9 Closure Tailings at 198m AOD); l) 427.01939.000.HVA.301 (Rev FO) cross section through Mine Waste Facility; m) 9977-0100 (Lee Moor Road) (S.38 approved drawings); n) MH21447-1 to MH-21447-3 (planting areas); o) Coffey Drawing MWP00494AE-DD-37 (RevC) Lower Hooksburry Diversion Channel Details; p) GRES Drawing WHP 391-L-004 (Rev. A) Smallhanger Pond and Pump Location arrangement plan and elevation; q) Blackwell Drawing CAB-4D-530 Hemerdon Surface Water – Tailings Network (Sheets 1-3); r) Michel Hughes Associates Drawings MHA 21447-1 to MHA 21447-3 showing Tree Planting and Biodiversity Enhancement Zones; s) Craddy Pitchers, Davidson Drawing 9977-0100 (Rev. G) Overall Road Plan; and t) Landscape Restoration Concept Plan

brief particulars of which are as follows:

Variation of (i) condition 3 of planning permission 9/42/49/0542/85/3 to allow the continued extraction of tungsten and tin, processing and disposal of mineral wastes until 5 June 2036 and (ii) removal of condition 13 of planning permission 9/42/49/0542/85/3 to remove the restriction on the operating hours of the primary crusher at Drakelands (previously Hemerdon) Mine, Drakelands, Nr PLYMOUTH, Devon PL7 5BS

subject to the conditions set out in the attached sheets



County Solicitor

Date: 16 February 2017

NOTE

This is not a decision under the Building Regulations

Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.

If this planning permission is for development by Devon County Council it can enure only for the Council's benefit.

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Schedule of Conditions - South Hams District Council Application No. 9/42/49/0542/85/3
Devon County Council Ref. DCC/3823/2015**

1. The winning, working and processing of mineral and the tipping of mine waste shall cease by 5 June 2036 after which date all buildings, plant, machinery and roads shall be removed and the mine, plant site and mine waste facility restored in accordance with schemes required under conditions 24, 25 and 26 within 3 years of the cessation of operations.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

2. The development hereby permitted shall be carried out in compliance with the details contained in the following plans and drawings except insofar as may otherwise be required under the terms of any other condition set out in this Decision Notice.

- a) GRES Drawing WHP 100-L-001 (Rev. H) Plant and Infrastructure Layout Plan;
- b) GRES Drawing WHP 100-L-018(Rev. C) Wet Plant external view elevations;
- c) Blackwell Drawing CAB-4D-691 (2.5m contours showing current status of Drakelands Mine as of July 2016);
- d) Blackwell Drawing CAB-4D-690 (2.5m contours at June 2021);
- e) Blackwell Drawing CAB-4D-689 (2.5m contours showing Final extent of Drakelands Mine);
- f) SLR Drawing 427.01939.00023.HVA.203 (MWF to 177m AOD);
- g) SLR Drawing 427.01939.00023.HVA.204 (MWF to 177m AOD);
- h) SLR Drawing 427.01939.00023.HVA.210 (MWF to 190mAOD);
- i) SLR Drawing 427.01939.00023.HVA.211 (MWF to 195mAOD);
- j) SLR Drawing 427.01939.00023.HVA.215 (MWF to 215mAOD);
- k) SLR Drawing 427.01939.00023.HVA.216 (Plan of Stage 9 Closure Tailings at 198m AOD);
- l) 427.01939.000.HVA.301 (Rev FO) cross section through Mine Waste Facility;
- m) 9977-0100 (Lee Moor Road) (S.38 approved drawings);
- n) MH21447-1 to MH-21447-3 (planting areas);
- o) Coffey Drawing MWP00494AE-DD-37 (RevC) Lower Hooksburry Diversion Channel Details;
- p) GRES Drawing WHP 391-L-004 (Rev. A) Smallhanger Pond and Pump Location arrangement plan and elevation;
- q) Blackwell Drawing CAB-4D-530 Hemerdon Surface Water – Tailings Network (Sheets 1-3);
- r) Michel Hughes Associates Drawings MHA 21447-1 to MHA 21447-3 showing Tree Planting and Biodiversity Enhancement Zones;
- s) Craddy Pitchers Davidson Drawing 9977-0100 (Rev. G) Overall Road Plan; and
- t) Landscape Restoration Concept Plan.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. Notwithstanding the provisions of Part 17 Class A (a) and (b) and Class B of the Town and Country Planning General Permitted Development Order 2015 (or any order amending, replacing or re-enacting that order):

- i) no additional buildings and plant that exceed 5m in height shall be erected within the processing plant area shown on Plan [GRES Drawing WHP 100-L-001 (Rev. H)]; and
- ii) no additional buildings and plant shall be erected elsewhere on the mine site, without the prior approval in writing of the MPA.

REASON: To ensure that the Mineral Planning Authority retains control over development of a scale that might have an adverse impact on the landscape and on views from the Dartmoor National Park.

4. The operations specified below shall be carried out only during the following hours:

- (i) No drilling shall take place on Saturdays (until the bench on which drilling is to take place is at least 10m below the original ground level OR at 170m AOD whichever is the lower at the limit of excavation between the position of the drill rig and the nearest occupied property in the area of the pit indicated on drawing CAB-4D-252-JB. The operator shall advise the Mineral Planning Authority in writing when this situation has been attained for each occupied property);

- (ii) There shall be no drilling at any time on Sundays and on bank or public holidays, which shall be defined as: (a) New Year's Day (b) Good Friday (c) Easter Monday (d) May Day Holiday (e) Spring Bank Holiday (f) August Bank Holiday (g) Christmas Day and (h) Boxing Day;
- (iii) No loading and transporting of mine waste from the processing plant, or from the pit to the mine waste facility shall be carried out other than between 0600 and 2200 hours;
- (iv) With the exception of refuelling and movement of vehicles between 0600 and 0700, there shall be no mining operations in the pit between the hours of 2200 and 0700.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

5. Noise levels arising from the development shall not exceed the following limits at any noise sensitive property:

- (i) Between the hours of 0700 and 1900 (daytime) Monday to Saturday 50 dBLAeq. 1 hour free field;
- (ii) Between the hours of 1900 and 2200 (evening) Monday to Saturday 45dBLAeq. 1 hour free field;
- (iii) Between the hours of 2200 and 0700 (night-time) 42 dBLAeq. 1 hour free field;
- (iv) Between 0700 and 2200 on Sunday or on any Bank or Public Holiday (as defined by Condition 4) 45 dBLAeq. 1 hour free field.

The limits stated above, apply when measured on a Type 1 sound level meter sited at least 3.5 metres from any reflective surface (other than the ground) and 1.2 – 1.5m above the ground, in the garden amenity space of any lawfully existing residential premises.

Irrespective of the noise limits specified above the applicant should take all reasonable steps to minimise noise from the site especially noise containing significant tonal elements or peak and impulsive noise. Steps to reduce noise of this nature should be detailed in the noise management mitigation and monitoring scheme required by condition 6 below.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

6. The measurement and management of noise from this operation shall be carried out in accordance with a detailed noise management, mitigation and monitoring scheme which shall be submitted to and approved in writing by the MPA within 3 months of the date of this permission. Once approved the development shall be carried out in accordance with the proposals set out in this or any subsequent scheme as may have been submitted to and approved in writing by the MPA.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

7. Before the commencement of overburden removal in that area of Phase 2 of the pit as shown on Plan CAB-4D-252-JB; the operator shall notify the MPA in writing of the commencement of such works.

Until such time as the operator has constructed a bench at the level of 170m AOD within this part of the pit the daytime noise levels on Monday to Friday between 0700 and 1900 shall be 53dB, 1 Hour Free field. These works shall not commence until a detailed management and mitigation scheme for this period of the development has been submitted to and approved in writing by the MPA.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

8. Vehicles operating within the site and under the control of Wolf Minerals or its contractors shall be equipped with broadband or "white noise" reversing alarms. These shall be the only reversing alarms used on the site unless for reasons of health and safety or as otherwise agreed in writing by the MPA.

REASON: To control the effects of tonal noise emissions on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

9. The noise limits referred to in Condition 5 above may be exceeded only where emergency action is essential to the safety of the works, employees of the works, or members of the public. The developer shall record each occasion where such levels have been exceeded and inform the Mineral Planning Authority in writing within 48 hours of occurrence, with an explanation of the reason.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

10. Where the mine operator seeks to undertake works of soil stripping, the construction or removal of baffle mounds, soil storage mounds and spoil heaps, construction of new landforms and aspects of site road construction and maintenance the noise limits as required by condition 5 shall be increased for a period of time and a noise level as agreed by the mineral planning authority, with an absolute limit of 70 dB LAeq, 1 hour (free field) for a period of 8 weeks in any 12 month period and only during daytime hours 0700 to 1900 hours. The Operator shall give written notice to the MPA in advance of any such works and shall agree with the MPA a scheme of noise management and mitigation and community notification in advance of the commencement of the works.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

11. (i) Within 3 months from the date of this permission the applicant shall provide to the Mineral Planning Authority a screening assessment in accordance with the Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning. This assessment shall then be used to formulate a monitoring scheme to be used to continually assess the impact by way of dust arising from the mineral operations;
(ii) This scheme shall be submitted within 4 months of the date of this permission and shall include proposals for using best practicable means for minimising the amount of dust arising from the site from mineral operations, details of monitoring locations, monitoring methodology frequency of reporting to the Mineral Planning Authority and a scheme for dealing with dust complaints. Once approved this scheme shall be implemented for the lifetime of the mineral operations, unless otherwise agreed by the MPA.

[Note] *The scheme should specify the collection and assessment of dust samples at a complainant's property, the analysis to be undertaken, an investigation into the cause for the dust and feedback to the MPA on what steps have been taken to minimise the production of excessive disamenity dust by the mineral operations. Once approved this scheme shall be implemented for the lifetime of the mineral operations. Unless otherwise agreed by the MPA.*

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

12. (i). Except as may be essential for reasons of safety, no blasting shall be carried out other than between 1000 to 11.30 and 1300 to 1630 hours on Mondays to Friday and no blasting shall take place on Saturdays or Sundays or on the Bank or Public holidays as set out in Condition 5.

(ii) The number of blasting episodes shall not exceed 6 in any one week period, and 2 in any one day.

(iii) No secondary blasting shall be carried out within the site.

(iv) Notwithstanding the provisions of part (i) blasting may be undertaken on no more than six Saturdays in any 12 month period. The operator shall notify the Mineral Planning Authority in advance of such events and these shall be approved in writing by the MPA.

(v) The provisions of this condition shall not prevent the operator blasting on a Saturday or Sunday in an emergency situation. The operator shall notify the Mineral Planning Authority within 48 hours of such an occurrence with an explanation of the reasons for it.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

13. All blasting at the site shall be carried out in accordance with an approved Blast Impact Minimisation and Monitoring Scheme setting out agreed "Best Available Techniques". Such scheme shall be submitted to the MPA for written approval within 1 month of the date of this permission.

The scheme shall cover, but not necessarily be restricted to, the following:

- Blasting practices to be adopted;

- A protocol for "designing to comply" including:

(i) Proposals for monitoring and analysis of ground and air vibrations (including experiential reporting in the community) and the location of permanent monitoring installation(s) and their detailed design and specification;

(ii) Prediction of ground vibration levels;

(iii) Prediction of air-vibration levels (air overpressure);

(iv) Proposals for incorporation of the monitoring results in the subsequent blast designs;

(v) An audit plan;

(vi) The frequency and nature of reporting to the Mineral Planning Authority;

(vii) A blasting related community engagement plan to include measures for warning members of the public in the vicinity of the site of the periods during which blasting operations will take place, and of the imminence of any blasting episode.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

14. The developer shall adopt the best practical means [as set out in the approved Blast Impact Minimisation and Monitoring Scheme] to minimise the propagation of ground borne vibration beyond the perimeter of the mine, and shall ensure that all blasting procedures are planned and executed to ensure that:

(i). Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface at or near the foundations of any vibration sensitive building or residential premises, does not exceed a peak particle velocity (ppv) of 6 mm per second in 95% of all blasts measured over any continuous 3 month period and no single blast shall exceed a ppv of 10 mm per second. The measurement is to be taken at or near the foundations of any vibration sensitive building or occupied residential property;

(ii) In the event that a blast results in vibration levels exceeding those specified in part (i) above, the operator shall within 48 hours notify the Mineral Planning Authority of the occurrence. The operator shall then submit to the Mineral Planning Authority within 2 weeks of the occurrence a scheme of further monitoring and remedial measures to reduce ground vibration to the approved limits. These measures shall then be implemented and complied with at all times;

(iii). The operator shall provide to the Mineral Planning Authority details of predicted vibration levels based on blast design prior to each blast. The operator shall forward to the Mineral Planning Authority the results of measured ground vibration within 48 hours of each blast.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

15. The developer shall adopt the best practical means to minimise the propagation of air borne vibration outside the site and shall ensure that the noise from blasting in terms of the measurable air over pressure at any residential property does not exceed 120 dB (decibels). The measures for ensuring compliance with this blast value, including details of monitoring methods shall be included within the approved Blast Impact Minimisation and Monitoring Scheme to be submitted as required by Condition 13 (above).

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the adoption version of the Devon Minerals Plan.

16. A revised Archaeological Framework Document, setting out the post-excavation tasks still to be undertaken, must be submitted for approval by the Planning Authority within six months of the consent being granted approval by the Mineral Planning Authority. The post excavation tasks include assessment and analysis of the results of the fieldwork, the publication and dissemination of the results of the archaeological investigations, and the archive creation and deposition. The revised Archaeological Framework Document shall include a timetable for the completion of these tasks.

REASON: To ensure that any archaeological interest has been adequately investigated and recorded and to comply with policies of the Development Plan: in particular policies MP41 of the Devon County Minerals Local Plan and Policy M19 of the Adoption version of the Devon Minerals Plan.

17. (i) Water supplies, local ponds, the quality of water-courses affected by the proposed development and land drainage in the vicinity of the site shall be protected for the duration of the approved operations in accordance with drawing CAB-4D-530 and the surface water management plan WTO-ENV-PR-124 unless otherwise agreed in writing with the MPA.

(ii) Within 6 months of the date of this permission, the applicant shall submit a detailed scheme for the augmentation of flows in the Smallhanger Brook to include details of the proposed operation of the scheme, the impact on flows and biodiversity in the Smallhanger Brook along with proposals for monitoring impacts and remediation for the life of the site and throughout the aftercare period;

(iii) Within 6 months of the date of this permission the applicant shall submit a detailed surface water and flood mitigation and management scheme for the Smallhanger catchment for the life of the mine and the restoration phase; such scheme shall include details of the construction and management of the Claymoor Ponds.

REASON: To protect existing watercourses from pollution and derogation of flow and the ensure that water resources are managed in such a way that any potential for flooding is controlled in accordance with Policy MP45 of the Devon County Minerals Local Plan and Policies M17, M21 and M24 of the Adoption version of the Devon Minerals Plan.

18. The handling of all soils either in advance of mineral extraction or as part of the restoration of the mineral workings, plant site or mine waste facility shall be in accordance with the Site Clearance and Topsoil Management scheme Ref 421.01939.00010 dated August 2013. No top soil or sub-soil arising from the stripping operations shall be removed from the site without the prior approval in writing of the Mineral Planning Authority.

REASON: To protect the soil resources on the site and to protect restoration materials in accordance with Policies MP14 and MP56 of the Devon County Minerals Local Plan and Policies M21 and M27 of the Adoption version of the Devon Minerals Plan.

19. No waste other than that required to be transported to a suitably licensed facility and otherwise unable to be disposed within the site shall be transported from the site. The number of heavy goods vehicles transporting waste (that is not permitted to be disposed within the Mine Waste Facility) or secondary aggregate leaving the site shall not exceed 50 in any one day and the total tonnage of secondary aggregate transported shall not exceed 4,000 tonnes in any week or 150,000 tonnes in any calendar year without the prior consent in writing of the Mineral Planning Authority.

There shall be no importation of waste materials to the site unless they are specifically required for restoration purposes as identified in the annual restoration proposals and the amount previously agreed by the Mineral Planning Authority.

The operator shall provide to the Mineral Planning Authority details of the number of HGVs leaving the site carrying secondary aggregates or mineral waste over a 12 month period.

REASON: In the interests of highways safety and to ensure that the overall restoration profiles are considered in any movement of materials in accordance with Policies MP41 and MP56 of the Devon County Minerals Local Plan and Policies M18, M23 and M27 of the Adoption version of the Devon Minerals Plan.

20. Within 3 months of the date of this permission, the operator shall submit a revision of the operational travel plan dated November 2014 for the written approval of the MPA. Following the receipt of approval the scheme shall be implemented including such revisions as shall be required, for the remaining life of the mine.

REASON: To ensure that traffic entering and leaving the mine is managed by the operator in the interests of highway safety and in accordance with Policy MP41 of the Devon County Minerals Local Plan and Policy M23 of the Adoption version of the Devon Minerals Plan.

21. External lighting at the site shall be restricted to the lighting set out in a revised scheme to be submitted within 6 months of the date of this permission. The Operator shall take all practicable steps to reduce night time lighting from the plant and from ancillary operations on the Mine Waste facility.

REASON: In the interests of controlling and limiting the effects on the local environment, and to comply with policies of the Development Plan: in particular policy MP41 of the Devon County Minerals Local Plan and Policies M18 and M23 of the adoption version of the Devon Minerals Plan.

22. The existing screening bunds shall be retained throughout the life of the permitted operations as currently constructed unless alterations have been previously agreed in writing by the Mineral Planning Authority. On cessation of the approved development the bunds shall, if required in writing by the Mineral Planning Authority, be removed and the site restored in accordance with a scheme and timetable to be agreed with the Mineral Planning Authority. Such scheme shall be submitted within 3 months of the notification provided by the Mineral Planning Authority under this condition.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policies MP2 and MP41 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

23. Within 3 months of the date of this permission, the operator shall submit a scheme of planting for Area B as indicated on drawing 9977-0001F for approval by the MPA. Following the receipt of approval the scheme shall be implemented in the next available planting season and maintained in accordance with the provisions of Condition 25.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policies MP2 and MP41 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

24. Unless otherwise agreed in writing by the Mineral Planning Authority, phased landscaping and restoration shall be undertaken in accordance with the approved Restoration Concept and the detailed annual restoration, land and water management and landscape review plans required under condition 26 below for specific areas of land which shall have been previously submitted to and approved in writing by the MPA.

REASON: In the interests of ensuring appropriate restoration, and to comply with policies of the Development Plan: in particular policies MP2, MP10 and MP56 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

25. Areas of Woodland

(i) All areas of woodland planting undertaken in accordance with the scheme approved on 24/02/2014 shall be retained and managed for the duration of the approved operations;

(ii) Any tree, shrub, area of seeding or translocated species planted in accordance with the approved submitted details shall be retained and managed in accordance with the approved scheme for the minimum aftercare period of 10 years from the approval of the works.

(iii) Any planting which fails due to death, disease or inadequate management shall be replaced or substituted in accordance with a scheme which addresses and mitigates the original causes of failure to be agreed with the Mineral Planning Authority and the replacement or substitution shall be carried out in the planting season immediately following any such occurrence.

Other Areas

(iv) Areas of restored land shall be managed for a period of ten years following the completion of restoration in accordance with aftercare schemes which shall be submitted annually for areas which have passed into permanent restoration in accordance with the approved submitted restoration schemes and shall specify such steps as necessary to bring the land to the required standard of restoration and the periods during which such steps are to be taken.

REASON: In the interests of ensuring the ongoing care and maintenance of restored areas, and to comply with policies of the Development Plan: in particular policies MP2, MP10 and MP56 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

26. Notwithstanding the provisions of condition 25 above, on or before 31 March each year during the duration of the planning permission an "Annual restoration, land and Water Management and Landscape Review" of restoration, land and water management and landscape objectives shall be submitted for approval to the Mineral Planning Authority. The scheme shall address inter alia:

(i) The sequence and phasing of tipping and reclamation showing clearly their relationship to the working scheme for the next 12 months and works already undertaken to date;

(ii) the re-spreading on completion of each phase of tipping of final cover consisting of soil or other cover material suitable as a rooting medium, free of debris in excess of 150mm in any dimension or other obstructions to cultivation. This final cover shall be placed in layers. Any suitable cover material and over burden previously stripped from the site being placed first as a base layer then subsoil as an intermediate layer then topsoil as the uppermost layer;

(iii) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;

- (iv) The machinery to be used in soil re-spreading operations;
- (v) The final levels of the reclaimed land (and the gradient of the restored slopes around the margins of the excavation) to prevent ponding of surface water;
- (vi) Drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
- (vii) The seeding of reclaimed areas with a suitable specified seed mixture.

REASON: In the interests of ensuring appropriate restoration and aftercare over the period of the life of the site, and to comply with policies of the Development Plan: in particular policies MP2, MP10 and MP56 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

27. In the event of the cessation of winning and working of minerals for a period in excess of two years prior to the completion of the approved scheme, the operator shall notify the Mineral Planning Authority in writing of such cessation.

Within 2 years of such notification, or, if in the opinion of the MPA a permanent cessation has occurred and the MPA has served written notice on the operator of this opinion, the operator shall submit to the Mineral Planning Authority a revised restoration scheme for the approval of the MPA. The approved revised restoration scheme shall include details of the phasing of the revised scheme and the removal of fixed plant, machinery, structures and shall be fully implemented within 2 years of the written approval unless otherwise agreed in writing with the Mineral Planning Authority. The restored areas shall then pass into aftercare as set out in Condition 25.

REASON: In the interests of ensuring appropriate restoration, and to comply with policies of the Development Plan: in particular policies MP2, MP10 and MP56 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M23 and M27 of the adoption version of the Devon Minerals Plan.

28. The operator shall provide to the Mineral Planning Authority by 31 March each year for the duration of operations and aftercare, an annual report setting out the environmental monitoring undertaken, setting out a summary of the results against agreed limits (as set out in the approved schemes or conditions within this Decision Notice). The report shall also identify whether any change to the monitoring is needed.

REASON: In the interests of ensuring that the conditions and schemes required by this consent are met and reviewed as appropriate to meet the requirements of the policies of the Development Plan: in particular policies MP2, MP10, MP41, MP45 and MP56 of the Devon County Minerals Local Plan and Policies M16, M17, M18, M21, M23 and M27 of the adoption version of the Devon Minerals Plan.

29. In the event that a justifiable complaint is received by the operator, the Mineral Planning Authority or other regulatory body in relation to noise, vibration, particulate emissions or derogation of water, the operator shall instigate an investigation into the complaint within 24 hours of receiving or being notified about the complaint and in accordance with the monitoring schemes agreed for each of these matters under Conditions 6, 7, 10, 11, 13, 20, and 21. Such investigation shall include reviewing any monitoring data relating to the nature of the complaint and undertaking such additional monitoring as may be necessary and agreed with the MPA. The operator shall inform the MPA and the complainant of the findings of the investigation including whether any breach of any limits imposed through the planning conditions within this decision notice has occurred, the cause of the breach along with any remedial action undertaken or proposed to prevent further breaches within 14 days of notification unless it has been agreed with the MPA that additional time is justified.

The operator shall maintain a log of all complaints received, the investigations undertaken in relation to the complaint the findings of the investigation and any remedial action undertaken following the complaint. The complaints log shall be available for inspection by the MPA or other regulatory bodies upon request.

REASON: In the interests of ensuring compliance with policies of the Development Plan: in particular policies MP41 of the Devon County Minerals Local Plan and Policy M18 of the adoption version of the Devon Minerals Plan.

INFORMATIVE NOTE

Statement of compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

In determining this application, the Local 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 of the NPPF, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

