



TOWN AND COUNTRY PLANNING ACT, 1990

PERMISSION FOR DEVELOPMENT

In pursuance of powers under the above mentioned Act, the Council as County Planning Authority hereby **PERMITS** the development described hereunder, in accordance with the submitted application and its accompanying plan(s), but subject to the conditions hereunder stated.

Planning Reference No.: 21/0032/CWMAJM

Date Application Valid: 3rd June 2021

District Authority: Cotswold District Council

istrict Reference No.: 21/03999/CPO

Applicant: Hills Quarry Products Ltd Wiltshire House County Park Business Centre
Shrivenham Road

Site: Former RAF Down Ampney Airfield & Surrounding Areas The New Road
Down Ampney Gloucestershire

Proposal: The extraction of minerals, provision of associated infrastructure including access and processing facilities, associated ancillary buildings, structures and operations, with site restoration using imported materials to agriculture and enhanced ecological interest and bio-diversity. (The application site straddles the administrative boundaries of Gloucestershire and Wiltshire County Council. All of the proposed mineral extraction is within Gloucestershire).

Site Area: 236ha

Grid Ref: E:411159 N:197088

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFOR

Commencement

- 1 The development hereby authorised shall begin no later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement ('Commencement Notice' as required by the Levelling Up and Regeneration Act 2023) shall be sent to the Minerals and Waste Planning Authority prior to the commencement of such development.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

Simon Excell
Assistant Director:
Planning & Economic Development
Duly authorised in that behalf

Dated: 23rd September 2024

- 2 Prior to commencement of mineral extraction in Phase 1 of the development, as shown in approved plan D10_LAN_206 dated Oct 2020, written notification of the date of commencement shall be sent to the Mineral Planning Authority.

Reason: In the interests of nature conservation and water resources and in accordance with Policies DM05 DM06 and MA01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Time Limit

- 3 The development hereby permitted shall be fully restored in accordance with the approved restoration scheme within 30 years from the date of commencement as notified in Condition 1.

Reason: To comply with the requirements of Section 72(5) of and Paragraph 1 of Part 1 of Schedule 5 to the Town and Country Planning Act 1990 and to ensure the effective progressive restoration the Site in accordance with Policies MR01, DM06 and DM09 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Scope of Development

- 4 Unless otherwise approved in writing by the Mineral Planning Authority 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 Plan D10_LAN_202' dated Oct 2020 ('the Site') and in accordance with its accompanying documentation as follows:

- Outline Landscape and Ecological Management Plan dated 20/01/23 ;
- Climate Change & Economic Benefits Statement dated 23.01/23;
- Environmental Statement Regulation 25 Response dated 13/06/22;
- Hydrogeological Risk Assessment Final Report Hills Quarry Products Limited Wiltshire House April 2022;
- Environmental Statement Chapter 4 - The Development dated November 2020;
- Environmental Statement: Chapter 5, Air quality dated November 2020;
- Environmental Statement Chapter 6: Archaeology & Heritage;
- Environmental Statement Chapter 7: Transport & Highways dated March 2020
- Environmental Statement Chapter 8: Ecology dated 12th November 2020
- Airfield Quarry Regulation 25 Statement - Ecological Impact Assessment Addendum Chapter 8 (AD Ecology Ltd) dated 01/06/22;
- Environmental Statement Chapter 9: Noise;
- Environmental Statement Chapter 10: Hydrological & Hydrogeological Final dated November 2020;
- Environmental Statement Chapter 10: Flood Risk Assessment dated Nov 2020;
- Environmental Statement Chapter 10: Addendum 10.06.22 Hydraulic Model Report dated June 2022;
- Environmental Statement Chapter 10: Addendum Hydrology Risk Assess 10.06.22;
- Environmental Statement Chapter 11: Landscape & Visual Impact Assessment (LVIA) dated November 2020;
- Environmental Statement Chapter 12: Agricultural Land Quality dated Nov 2020;
- Environmental Statement Chapter 13: Socio Economic dated 17/11/20;
- Environmental Statement Chapter 14: Climate Change dated 17/11/20;
- Supporting Statement dated 4/03/21;
- Dust Management Plan dated November 2020;
- Noise Management Plan dated 1st November 2020;
- Soil Management Plan dated 29/04/2020;
- Arboricultural Impact Assessment & Tree Protection Plan dated 14th April 2020;
- Tree Removal Plans & Tree Protection Plans;

- Lighting Strategy dated January 2020;
- Lighting Plan '1255-DFL-LSD-001' dated January 2020;
- Statement of Community Involvement;
- Location Plan 'D10_LAN_2021' dated October 2020;
- Proposed Site Access & Landscaping 'D10_LAN_205 v1.0' dated October 2020;
- Restoration Proposals 'D10_LAN_215 v1.0' dated October 2020;
- Cross Sections 'D10_LAN_216 v1.0' dated October 2020;
- Construction Management Plan dated 30/04/2020;
- Plant Site & Access '17493-G11A' dated October 2020.

and specifications with any scheme, working programme or other details submitted for the prior written approval of and subsequently approved by the Mineral Planning Authority in pursuance of any condition attached to this permission.

Reason: To ensure that the permission is implemented in all respects in accordance with the submitted details and in accordance with Policies DM01 to DM09, MW1, MA01 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Permitted Development

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no buildings, fixed plant or external floodlighting or other illumination unless otherwise permitted shall be erected on any part of the Site without the prior written approval of the Mineral Planning Authority.

Reason: There is a need to secure control over additional plant and machinery in the interests of the amenity of the area and in accordance with Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Archaeology

- 6 Prior to the commencement of the development hereby approved a written scheme of investigation will be submitted by the applicant, or their agents or successors in title for written approval by the Mineral Planning Authority. The approved programme of archaeological work shall be implemented in full during the life of the site.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the protection of archaeological sites from construction and investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework.

Soil Management

- 7 Prior to commencement of extraction a Soil Management Plan shall be submitted to the Mineral Planning Authority for approval in writing and implemented in full as approved. The scheme shall include;
- a revised ALC survey;
 - details of the location of where topsoil, subsoil, overburden and waste aggregate extracted shall be stored within the site prior to its use;
 - Approximate quantity of soil to be stored in each bund;
 - soil handling.

Reason: To ensure that suitable material is available for the restoration and in accordance with Policies DM07 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 8 The soil storage mounds shall not exceed 3 m in height for topsoil and 5 m for subsoil as measured at ground level.

Reason: To ensure that suitable material is available for the restoration and in the interests of amenity of the area in accordance with Policies DM01 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Extraction

- 9 The extraction of mineral from the Extension Area hereby permitted shall be carried out in 9 phases in accordance with the following detailed drawings:

- D10_LAN_206 dated Oct 2020 (phase 1)
- D10_LAN_207 dated Oct 2020 (Phase 2)
- D10_LAN_208 dated Oct 2020 (Phase 3)
- D10_LAN_209 dated Oct 2020 (Phase 4)
- D10_LAN_210 dated Oct 2020 (Phase 5)
- D10_LAN_211 dated Oct 2020 (Phase 6)
- D10_LAN_212 dated Oct 2020 (Phase 7)
- D10_LAN_213 dated Oct 2020 (Phase 8)
- D10_LAN_214 dated Oct 2020 (Phase 9)

and as detailed in Chapter 4 section 4.45 to 4.58 of the submitted Environmental Statement dated 17/11/20. Notification of commencement of extraction in each phase shall be sent to the MPA within 14 days of commencement.

Reason: In the interests of nature conservation and water resources and in accordance with Policies DM05 DM06 and MA01 of the Gloucestershire Minerals Local Plan 2018-2032.

- 10 Within 3 months of phase 9 extraction being completed, the Mineral Planning Authority must be notified and the dismantling of the main plant site, bagging plant and concrete batching plant must commence and be fully complete in accordance with condition 3 or within 6 months of the notification of completion of extraction, whichever is sooner.

Reason: In the interests of nature conservation and water resources and in accordance with Policies DM05, DM06 and MA01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 11 A weighbridge shall be installed, used and maintained on the Site for the duration of the development as approved.

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 DM01 and MW01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Plant Maintenance

- 12 No maintenance of plant and machinery shall be carried out except between the hours of 06:00 to 18:00 Monday to Friday (inclusive) and the hours of 08:00 to 13:00 on Saturdays and no such working shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenity of the local environment and in accordance with Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Limit of Production

- 13 The development hereby permitted is subject to a production limit of no more than 540,000 tonnes of mineral per annum during the proceeding 12-month period from the Site.

Reason: To define the scope of the application and in the interests of highway and aggregate supply in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

14 **Record Keeping**

From the date of commencement of extraction as notified in condition 2 a written record shall be kept by the operator of the Site, showing the monthly amount of mineral extracted from the Site and daily HGV movements (date, time, registration and livery) entering and leaving the site. The written record shall be made available for inspection to the Mineral Planning Authority within 2 weeks of such a request being made. All such records shall be kept for at least 24 months from the date they were recorded.

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 DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

15 **Operating Hours**

Any operations authorised by this permission shall only be carried out on the Site between the following hours:

Plant Site mobilisation including maintenance (no fixed plant operation):

06:00 to 18:00 Mondays to Fridays

06:00 to 18:00 Saturdays

Concrete Batching operations:

06:30 to 18:00 Mondays to Fridays

06:30 to 13:00 Saturdays

All other operations:

07:00 to 18:00 Mondays to Fridays

08:00 to 13:00 Saturdays

No HGVs shall enter or leave the site prior to 07:00 or after 18:00

There shall be no working on Sundays or Bank or National Holidays.

Reason: There is a need to safeguard the amenities of the area and in accordance with Policies DM01, DM02 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Highways

- 16 Prior to commencement of development full construction details of the proposed access arrangement, in accordance with Drawing D10_LAN_205 v1.0, shall be submitted to and approved in writing by the Mineral Planning Authority. The access arrangement shall be implemented as approved prior to extraction commencing.

Reason: To ensure a safe and sufficient access is provided in the interests of highway safety and in compliance with adopted Wiltshire Core Policies 60, 61 and 62.

- 17 Prior to commencement of extraction, the access shall be completed in full in accordance with the approved details and maintained for the full operational use and reclamation of the site thereafter removed in full within 12 months of cessation of works on site, with all boundary treatment, hedgerows and verge returned to its original condition.

Reason: To ensure a safe and sufficient access arrangement is provided in the interests of highway safety and adopted Wiltshire Core Strategy Policies 60, 61 and 62.

- 18 Prior to commencement of extraction, and the use of the approved site access by HGVs (apart from those involved with the construction of the access), visibility splays shall have been provided between the edge of the carriageway and a line extending from a point 4.5 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160metres to the east and west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the NPPF in accordance with Policy DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032) and adopted Wiltshire Core Strategy Policies 60, 61 and 62.

- 19 Prior to commencement of development a Quarry Operation Management Plan shall be submitted to and approved by the Mineral Planning Authority. The plan shall include:
- mitigation measures to address potential impacts of additional HGV vehicle impacts upon local roads;
 - A scheme of highway improvement works to mitigate the increase frequency of two HGV's passing on narrow roads and arising deterioration of carriageway edges and verges;
 - details of vehicle routing, wayfinding, and signage;
 - detailed Site Plan;
 - parking areas for vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - details of site boundary measures;
 - location and detail of Wheel Washing Facilities;
 - hours of construction, including deliveries;
 - details of vehicle log keeping and access to logs.
 - Traffic Management Plan (including signage drawing(s);
 - number (daily/weekly) and size of delivery vehicles;
 - number of staff vehicle movements.

Prior to commencement of extraction, the Quarry Operation Management Plan shall be implemented in full and remain operational and complied with in full until all works, including site reclamation, has ceased.

Reason: To ensure the operation of the site is appropriately accommodated by the highway network in the interests of highway safety and adopted Wiltshire Core Strategy Policies 60, 61, 62 and 65 and Policy DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 20 The sole means of vehicular access to and from the Site for HGVs shall be from access detailed in drawing D10_LAN_205 v1.0 dated October 2020 from commencement of extraction for the purposes of installing or removing quarry plant and equipment.
- Reason:** To define the scope of the application and in the interests of traffic safety in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 21 No more than 115 HGV movements are permitted to enter the site and no more than 115 HGV movements are permitted to leave the Site in any single day.
- Reason:** In the interests of highway safety highway, in accordance with Policy DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 22 No loaded lorries carrying sand and gravel shall leave the site unsheeted except those only carrying stone in excess of 500mm.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 23 Prior to commencement of extraction a wheel wash scheme shall be submitted to the Mineral Planning Authority for written approval and implemented in full as approved. The approved wheel wash scheme shall be operated and maintained for the duration of this permission.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032)
- 24 No HGVs shall enter the public highway from the Site unless their wheels and chassis have been cleaned to prevent materials being deposited on the public highway.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 25 No mud, debris or materials shall be deposited on the highway from commercial vehicles entering or leaving the Site.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 26 All reasonable steps shall be taken to minimise noise from vehicles and machinery and, in particular silencers shall be fitted to and used by all vehicles, plant and machinery used in operations on the Site.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 27 All HGVs, plant and machinery shall be fitted with white noise reversing warning devices.
- Reason:** In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).
- 28 Prior to the commencement of mineral extraction hereby permitted, a scheme detailing transport measures designed to minimise the impact upon air quality shall be submitted to the Mineral Planning Authority for approval. The scheme shall be implemented within 3 months of its approval in full and maintained for the duration of this permission.

Reason: In the interests of highway safety and in accordance with Policies DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Plant

- 29 Prior to commencement of extraction, details of plant and machinery to be installed and operated within the site shall be submitted to the Mineral Planning Authority for written approval and implemented as approved. The details shall include detailed drawings, dimensions and locations within the site.

Reason: To ensure appropriate measures for the control of visual impact, dust and noise are implemented in the interests of good site management and the protection of amenities of surrounding occupiers in accordance with Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Buildings

- 30 Prior to commencement of extraction details of all buildings to be constructed on the site shall be submitted to the Mineral Planning Authority for written approval and implemented as approved. The details shall include detailed drawings, dimensions and locations within the site and should be based on the submitted drawings listed in the scope of development condition (2).

Reason: To ensure appropriate measures for the control of visual impact, in the interests of good site management and the protection of amenities of surrounding occupiers in accordance with Policy DM01 adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Environmental Protection

- 31 No materials shall be burnt on the Site at any time.

Reason: In the interests of amenity of the area and in accordance with Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Air quality /dust

- 32 Prior to commencement of development, a dust management plan (DMP) shall be submitted to the Mineral Planning Authority for approval in writing and implemented thereafter as approved in full and maintained thereafter for the duration of this permission. The DMP should be in line with the submitted DMP dated November 2020 and include the following:

- dust monitoring (daily on-site and off-site inspections as a minimum, with frequency adjusted according to dust risk, e.g. higher frequency in dry and windy conditions, with records available for inspection by the Mineral Planning Authority);
- maintenance of a daily log on weather conditions and incidents;
- appropriate measures for management of operational processes (materials handling and processing) to minimise dust emissions;
- provision of measures for the management of track out (for example, but not limited to, sheeting of vehicles before leaving site and effective use of wheel wash facilities);
- regular audit of effectiveness of the DMP and revision as appropriate;
- Minimising drop heights locations of dust, wind speed and wind direction monitoring equipment;
- measures to dampen down the haul roads and stockpiles when dusty; and
- installation of sprinklers;

- Inspection regime for monitoring conveyor belts;
- Dust monitoring of site boundaries located near, near neighbours;
- The requirement to submit an annual summary report to the MPA on visual inspections / complaints / actions taken.

Reason: To safeguard the amenity of the area and local residents and in accordance with Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Noise

- 33 Prior to the commencement of development a noise mitigation scheme shall be submitted to the Mineral Planning Authority for written approval specifying the provisions to be made for the control of noise from, mineral extraction fixed and mobile plant or machinery and HGVs. The scheme shall be implemented in full as approved for the duration of this permission.

Reason: In the interests of local residential amenity and Policy DM01 and DM03 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 34 Between the hours of 07:00 to 18:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays, the noise levels arising from the development shall not exceed 55dB(A)1hr Leq, freefield at any noise sensitive property identified in Table 4.1 of Chapter 9 of the Environmental Statement namely:

R1 - The Croft, Marston Meysey
R2 - Whetstone Bridge Farm
R3 - Alex Farm Cottages
R4 - Eysey Cottages

R5 - The Lodge, Down Ampney
R6 - 8 The Pheantry
R7 - Castle Hill Cottages

Reason: In the interests of local residential amenity and Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 35 Noise levels from temporary operations involving the removal and placement of soils and creation of screening bunds hereby approved shall not exceed 70 dB (A) 1hr Leq, freefield at the properties identified in condition 34 during permitted working hours specified in Condition 34 and shall not exceed the levels specified in this condition for more than 8 weeks in any 12-month period

Reason: In the interests of local residential amenity and Policy DM01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Ecology/Landscape

- 36 The site will be worked and restored in accordance with the protective measures for notable mammals as set out at 7.5.2 and 7.6 of Chapter 8, Ecology of the Environmental Statement. This is required to avoid entrapment and / or accidental injury / mortality to certain mammals that might use site.

Reason: As a precaution to ensure the site is made safe for animals particularly those legally protected from becoming trapped within excavations. In accordance with Policy DM06 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032), ODPM Circular 06/2005 and National Planning Policy Framework paragraphs 174, 180 and 185.

Tree Removal

- 37 The approved arboricultural details and methods of tree removal, retention and protection shall be implemented as set out within the Tree Removal Plans TR-1, TR-2, TR-3, TR-4 dated 14-3-2020 and the Tree Protection Plans TPP-1, TPP-2, TPP-3, TPP-4 dated 14-4-2020. All protective structures installed shall be maintained until construction work in proximity has been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree or hedgerow within or immediately bordering the application site. Where the details of tree removal, retention and protection are proposed to be revised these will be submitted for approval in writing by the Mineral Planning Authority.

Reason: To ensure that biodiversity and amenity is conserved and in accordance with Policies DM06 & DM09 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032), ODPM Circular 06/2005 and National Planning Policy Framework paragraphs 174, 180 and 185.

- 38 Prior to the commencement of each of phases 1-8, the Landscape, Ecological and Management Scheme (LEMP) for that specific phase shall be submitted to the Mineral Planning Authority for written approval based on the approved outline LEMP. The LEMP shall cover as appropriate:
- An ecological monitoring survey of the previous Phase where appropriate
 - the restoration operations, including finished levels and estimated timescale for completion of that phase.
 - A drawing with annotations showing a planting schedule (to include size and spacing where appropriate) of native species and mixes plus habitat features retained, created and proposed for the Phase that the LEMP relates to;
 - Ecological trends and identified or new constraints on the phase that might influence management during the aftercare period.
 - A programme of aftercare covering five years post-restoration.
 - A report of ecological monitoring surveys, habitat aftercare and management operations including any necessary remedial actions that will be carried out during the aftercare of that phase, including mechanisms for reporting to the Mineral Planning Authority.
 - Confirmation of the organisations responsible for the restoration and the aftercare of that phase.

All lowland grassland seed mixes to be used must be obtained from a suitable local grassland meadow or alternatively from a reputable seed house.

The LEMPs shall be implemented as approved in writing by the Mineral Planning Authority.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with Gloucestershire Minerals Local Plan Policies DM06 & DM09, ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 174, 180 and 185.

- 39 That the site is managed strictly in accordance with the details set out in the submitted Operational Wildlife Hazard Management Plan and Post Operational Wildlife Hazard Management Plan v 3 dated 15 August 2020 during the operational, restoration and post restoration phases.

Reason: To protect and conserve wildlife and biodiversity in accordance with Policies DM06 & DM09 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032). ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 174, 180 and 185.

- 40 No removal of hedgerows, trees or shrubs or soil stripping works of ground shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vicinity of the vegetation or ground concerned for active birds' nests. No such woody vegetation should be cleared, or soils stripped unless the ecologist has given confirmation in writing 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 should also be copied in writing to the Mineral Planning Authority for information prior to their implementation.

Reason: To ensure that wild birds building or using their nests are protected as required and in accordance with Policy DM06 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Public Right of Way

- 41 During all operations on site the following must be adhered to regarding bridleway BDA7.
- there must be no encroachment on the width of the public right of way.
 - No building materials may be stored on the public right of way.
 - Vehicle movements during should not unreasonably interfere with the use of the public right and the operator is responsible for always safeguarding the public use of the way.
 - No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.
 - Signage must be used to advise both the users of the quarry access and the bridleway of each other's presence and confirm the speed restriction on the quarry road of 10mph.
 - Where new planting is proposed as part of the access road, details will be provided to confirm that there is adequate visibility of the crossing point both for vehicles approaching and rights of way users.

Reason: To protect the receptors on the PROW in accordance with Policy DM09 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Flood Modelling

- 42 Prior to the commencement of extraction further flood modelling work (and/or satisfactory clarification of existing flood modelling work) shall be undertaken by the applicant in consultation with the Environment Agency and Mineral Planning Authority, so as to demonstrate the final proposed restoration landform will not result in an unacceptable impact on the floodplain. This shall include the submission of an approved restoration plan (including contours to Ordnance Datum (Newlyn)) showing proposed finished landform levels.

If the modelling work demonstrates that there will be unacceptable flood risk arising from the final landform, remedial measures demonstrating that there will be no unacceptable flood risk, along with timescales for their implementation, will be submitted to, and agreed in writing by, the Mineral Planning Authority in consultation with the Environment Agency. Thereafter the remedial measures will be implemented in accordance with the agreed details and timescales.

Reason: To ensure the restoration and final landform do not result in an increase in flood risk in accordance with Policies DM04 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 43 Once the site is restored as approved a survey to Ordnance Datum (Newlyn) shall be submitted to the Minerals Planning Authority showing the actual finished landform levels. In the event of any higher levels being shown on the actual survey in comparison with the previously agreed proposed restoration plan, remedial measures shall be undertaken by the applicant within a timescale to be agreed with the Minerals Planning Authority so as to restore the finished levels to be no higher than those shown in the previously agreed proposed restoration plan.

Reason: To ensure the restoration and final landform do not result in an increase in flood risk in accordance with Policies DM04 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Access Road

- 44 Prior to the construction of any access roads within the area of the site within the 1% Annual Exceedance Probability plus a 26% allowance for climate change flood extent, a scheme of detailed design of these roads shall be submitted to, and approved in writing by, the Mineral Planning Authority in consultation with the Environment Agency. This Road(s) Design Scheme shall include:
- information (including topographic survey(s) and/or plans to Ordnance Datum (Newlyn)) to demonstrate that either:
 - a) no ground raising will take place, or if this is not possible for essential, practicability reasons, that:
 - b) ground raising will be kept to the minimum possible and details shall also be submitted of a floodplain compensation scheme to offset impacts of ground raising on the floodplain. The floodplain compensation scheme shall be designed to a level for level, volume for volume standard and shall include any necessary flood modelling required to ascertain the flood extents for all flood return periods relevant to the delivery of a suitable floodplain compensation scheme. The Road(s) Design Scheme shall also include a timetable of works which includes a phasing provision so as to deliver any required floodplain compensation scheme before the roads themselves are constructed. The Road(s) Design Scheme shall thereafter be carried out in accordance with the approved details, timetable and phasing.

Reason: To ensure that access roads do not result in an unacceptable impact on the floodplain in accordance with Policy DM04 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 45 Prior to commencement of extraction a Water Management Scheme shall be submitted to, and approved in writing by, the Mineral Planning Authority, in consultation with the Environment Agency. The scheme shall include:
- the details for water management control features;
 - the storage of materials, chemicals, oil/fuel and any other hazardous materials;
 - the method of working;
 - the phasing of development;
 - the maintenance and after-care of the site relative to any water management measures;
 - landscaping relative to any water management measures;
 - Surface water drainage scheme;
 - a scheme for monitoring of groundwater and surface water.

The scheme shall be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme as approved.

Reason: To ensure that the proposed development, including mineral extraction, does not harm the water environment in line with paragraph 174 of the National Planning Policy Framework and Position Statements A and N of the 'The Environment Agency's approach to groundwater protection' and in accordance with Policies DM05 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 46 Any facilities for the storage of oils, fuels or chemicals comprised in the development shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pip outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and accordance Policy DM05 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 47 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings on the Site shall be passed through an oil interceptor designed and constructed to have a capacity and details shall be compatible with the site being drained.

Reason: to prevent pollution of the water environment accordance Policy DM05 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Contamination/Pollution Control

- 48 If, during development, contamination not previously identified is found to be present at the Site then no further development shall be carried out until the developer has submitted to and obtained written approval from the Mineral Planning Authority for a mitigation and remediation strategy detailing how this unsuspected contamination shall be dealt with and thereafter the scheme shall be implemented as approved.

Reason: To protect controlled waters in accordance with Policy DM05 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

- 49 Within six months from the date of the commencement of mineral extraction in Phase 9, a revised Landscape, Ecological and Management Scheme (LEMP) shall be submitted to the Mineral Planning Authority for approval in writing, based on the drawing D10_LAN_215 dated Oct 2020. The LEMP shall cover as appropriate:
- An update on the restoration of the full site, including plans documenting the extent of restoration completed, finished levels and estimated timescale for completion of all remaining restoration, with reasoned justification.
 - A schedule of the aftercare situation on each of the completed phases.
 - An appropriately scaled plan with annotations showing a planting schedule for all remaining areas to be restored (to include size and spacing where appropriate) of native species and mixes plus habitat features retained, created and proposed;

- Ecological trends and identified or new constraints that might influence management during the aftercare period remaining on each of the completed phases and Phase 9.
- A review of the effectiveness of the aftercare on completed phases in aftercare.
- A programme of aftercare covering five years post-restoration for Phase 9.
- A report of ecological monitoring surveys, habitat aftercare and management operations including any necessary remedial actions that will be carried out during the aftercare of Phase 9, including mechanisms for reporting to the Mineral Planning Authority.
- Confirmation of the organisations responsible for the restoration and the aftercare of all phases remaining to be restored.
- Provisions for any public access or interpretation;
- An annual topographical survey (by 31st December each year) to be provided to the Mineral Planning Authority showing the areas remaining to be restored to approved levels.
- A final topographical survey to be provided to the Mineral Planning Authority on completion of the restoration of all phases.
- A final Restoration plan.

All lowland grassland seed mixes to be used must be obtained from a suitable local grassland meadow or alternatively from a reputable seed house.

The LEMP shall be implemented as approved in writing by the Mineral Planning Authority.

Reason: To conserve, restore and enhance the environmental value and amenity of the land and in accordance with Policies DM06, DM09 and MR01 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Lighting

- 50 All lighting to be installed on site shall be in accordance with the submitted Lighting Strategy dated January 2020 and lighting Drawing 1255-DFL-LSD-001 dated January 2020.

Reason: To protect public amenity and local wildlife in accordance with Policies DM01 and DM06 of the adopted Minerals Local Plan for Gloucestershire (2018 - 2032).

Positive and Proactive Statement

In determining this planning application, the MPA has worked with the applicant in a positive and proactive manner based on seeking solutions to any potential problems arising in relation to dealing with the planning application by liaising with consultees and the agent, and by discussing outcomes, findings and comments with the applicant were 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.

INFORMATIVES :-

1 Ecology

If evidence of a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white-clawed crayfish, any reptile, barn owl or any nesting bird) is discovered using a feature on or next to the site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If such discoveries can be dealt with satisfactorily by the implementation of mitigation measures that have already been drawn up by your ecological advisor and approved by the Mineral Planning Authority or Natural England, then these should be implemented. Otherwise, a suitably experienced ecologist should be contacted, and the situation assessed before works 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 2017 (as amended) and the Protection of Badgers Act 1992. Planning consent for a development does not provide a defence against prosecution under this legislation and an application for a protected species licence may be additionally required. This information should be passed on to any persons or 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 [if not already] to the Gloucestershire Centre for Environmental Records (GCER).

2 Wiltshire

Planned mitigation measures may typically include the carrying out of an initial dilapidation survey of the existing road network, followed by planned and frequent inspections and commitment to address site created degradations. Alternative mitigation measures may further include the entering into an appropriate agreement under Section 59 of the Highway Act.

2 Public Rights Of Way

No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless: -

- a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route to us in Public Rights of Way (preferably providing a suitable alternative route); if any utilities are going to cross or run along a PROW then a section 50 license needs to be sought and granted - via GCC Streetworks department. Information regarding section 50 Licenses and an application form can be found at: <https://www.gloucestershire.gov.uk/highways/highways-licences-permits-and-permissions/>
- b) Important: if the development will permanently affect any public right of way, then the developer must apply for a diversion of the route through the Planning Authority, under the Town and Country Planning Act 1990, as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order. The area Public Right of Way Officer should be consulted as part of this process.

2) Additionally:-

- a) There must be no encroachment on the width of the public right of way.
- b) No building materials may be stored on the public right of way.

- c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.
- d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

NOTES

1. Appeals to the Department for Communities and Local Government (DCLG)

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State, under Section 78 of the Town and Country Planning Act, 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can obtain from the Planning Inspectorate at Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively you can submit an appeal electronically by using the online appeal service which is available from <https://www.gov.uk/appeal-planning-decision>

The Secretary of State can allow a longer period for giving notice of an appeal, but would 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 that the County Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

In practice, The Secretary of State does not refuse to consider appeals solely because the County Planning Authority based their decision on a direction given by the Secretary.

2. Purchase Notices

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

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

3. The proposed development may require a footway/verge crossing and the Applicant/Developer is required to seek the separate authorisation of Gloucestershire Highways (tel. 08000 514514) before commencing the development.
4. If the work authorised by this permission requires the supply of utility or other public services, you are requested to contact the appropriate statutory or other undertaker as soon as possible following the receipt of this decision. Failure to do so may result in a delay in the provision of these services.
5. Attention is drawn to the fact that any failure to adhere to the details of the approved plans or to comply with conditions attached to consents constitutes a contravention of the provisions of the Town and Country Planning Act 1990, in respect of which enforcement action may be taken.
6. If your application is for a building which will be open to the public (i.e. shop, restaurant, office premises, a factory, school or college) you attention is drawn to the relevant provisions of Chronically Sick and Disabled Persons Act 1970, and to the Code of Practice "Access for Disabled to Buildings" (BS:5810:1979) or Design Notice 18 "Access for the Physically Handicapped to Educational Buildings" published on behalf of the Secretary of State.
7. Any further information concerning this decision can be obtained from the Planning Development Management, Shire Hall, Gloucester, Gloucestershire GL1 2TH. Please quote the Reference Number of this decision in any correspondence.