Zig Zag Quarry

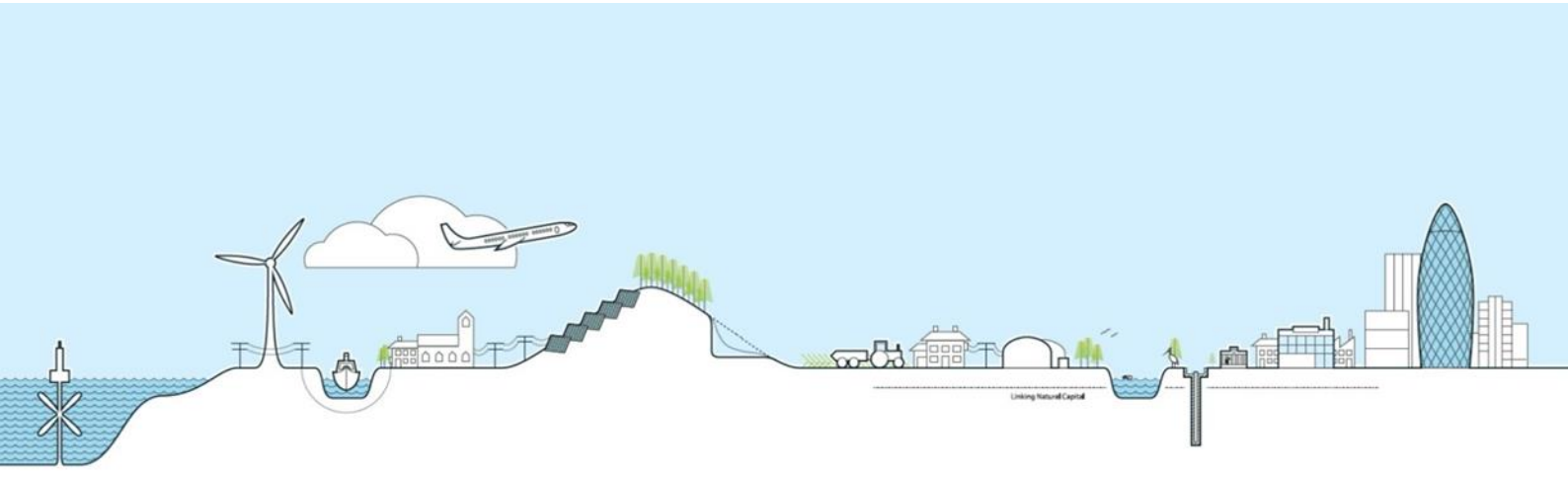
Environmental Permit

Waste Recovery Plan

December 2019

Prepared By

aardvark
environment matters



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1 Executive Summary

This report outlines the Waste Recovery Plan for the proposed restoration of the Zig Zag Quarry and the silt lagoons at the adjacent Aller Vale Quarry in Newton Abbott, Devon. The restoration proposals include the importation of inert soils and topsoil to backfill parts of the quarry to create a terraced landform profile. The importation of soils is also required for the restoration of the silt ponds at the Aller Vale Quarry. Without bringing in additional material the site could not be restored to an appropriate standard as the back wall of the quarry would remain as a steeply-sided escarpment which requires stabilisation.

The integration of the site with the surrounding landscape is a key consideration of the restoration scheme. The site is located adjacent to a designated Area of Great Landscape Value (AGLV). Accordingly, the restored landscape profile is designed with regards to integration with the surrounding landscape. The site is also located within an area that is part of the Strategic Flyways for Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC). The partial infilling of the quarry with the imported material and soils to re-profile the quarry and provide tree planting and a number of fields enclosed with hedgerows will allow it to better fit within its landscape context and provide biodiversity enhancement.

It is proposed that the eastern section of the Zig Zag quarry will be brought into agricultural use with field boundaries to be created through the planting of new hedgerows and hedgerow trees. The remainder of the proposed restoration would be an informal pattern of grassland and woodland over steep slopes and terraces in the north-western half of the site.

The majority of the adjacent Aller Quarry has already been restored to grassland and woodland and it is proposed to restore the silt lagoons to grassland and woodland that would conform to the surrounding landscape.

An environmental permit is now sought for the importation of topsoil and inert subsoils across parts of the site to enable the restoration. It is proposed that the site will operate under a bespoke environmental permit and that soils brought to site will be recovered for the purpose of restoration in accordance with the approved restoration plans. A Waste Recovery Plan must be submitted if applying for a waste recovery activity involving the permanent deposit of waste on land for construction or land remediation. This document therefore constitutes a Waste Recovery Plan to satisfy the above.

The published Environment Agency Regulatory Guidance on Waste Recovery Plans and Permits, dated 18 October 2016, sets out the Environment Agency's (EA) approach to determining whether an activity involving the permanent deposit of waste on land is waste recovery or waste disposal.

This Waste Recovery Plan sets out how the 265,410 tonnes (132,705m^3) of imported soils, plus approximately 38,000 tonnes (19,000m^3) for Aller Vale silt lagoons, will be recovered with reference to the criteria within the guidance questions and is summarised below.

Is there a clear purpose and benefit from the activity?

The importation of waste soils is solely to meet the objectives of the restoration of the site. The imported soils will be vital for ensuring that the stability of the terraced slopes as the site does not currently have sufficient material to allow for sloping the steep faces to an appropriate height and level.

At Aller Vale Quarry imported soils will be essential to create a stable lagoon bank to the silt lagoons and the placement of soils on the collected silt will ensure that the establishment of vegetation can be successful.

Is the recovered waste material suitable for its intended use?

The material taken to the site will comprise entirely of inert subsoils suitable for the restoration of the former mineral workings with the addition of topsoil for the final restorative layer. The subsoils will be defined as inert in accordance with the relevant environmental permitting guidance and the methodology prescribed by the Council Decision 2003/33/EC. Topsoil is not considered to be inert by virtue of its biodegradable organic matter but will be used to create a growing medium within the top 0.5m of the restoration profile.

All waste entering the site will undergo waste classification and testing in accordance with the proposed permit requirements. This assessment will include careful visual screening to ensure that no prohibited materials are accepted at the site.

Will the waste cause pollution?

Strict waste acceptance procedures will be employed on site to ensure that no prohibited materials are accepted at the site. The procedures will also set out how to deal with rogue or non-conforming loads. The adherence to established waste acceptance procedures sufficient to minimise the risk of pollution to the surrounding environment.

What is the quantity of waste and is the minimum amount of waste being used to achieve the intended benefit?

The proposed scheme has been specifically designed to satisfy the requirements of the planning authority. The planning permission allows for 285,000 tonnes of inert material to be imported to achieve the profiles provided under the approved restoration scheme. The most recent survey work revises the tonnage from that detailed in the original planning application. It is not estimated that 265,410 tonnes of material are required (based upon 132,705m^3 with an assumed bulk density of 2 tonnes per m^3).

The proposed restoration scheme is for a landscape profile well below the pre-quarried levels and is designed to meet the following objectives:-

1) Ensure quarry walls are restored in a stable landform
2) Promote a return to agricultural use in the eastern extent of the former quarry
3) Establish diverse range of habitats across the remainder of the site
4) Support sustainable surface water management

Should a lesser volume of material be used the restoration profiles in the consented scheme could not be achieved, or the restoration objectives met. This would result in a breach of planning control, with the potential for enforcement action from the Minerals Planning Authority, Devon County Council.

Is the waste being used as a substitute for a non-waste material?

The restoration of the Zig Zag Quarry is a requirement of the 2001 planning permission notice. There is an obligation for the site to be restored in accordance with the plans agreed with the Mineral Planning Authority, Devon County Council (DCC). Subsequently the applicant obtained planning permission from Devon County Council in October 2016 (DCC/3841/2016) for the following development:

"*Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel. Revised progressive restoration requiring the importation of 285,000*

tonnes of inert waste material over a five year period. Diversion of a bridleway with the construction of a new permanent route at Harleyford Aggregates Ltd, Zig Zag Quarry".

The latest planning permission (DCC/3841/2016) and approved restoration plan (drawing No. 1036/PL14) incorporate all previous restoration plans. In the latest planning consent it is clear that Devon County Council recognised that there was always an intention to use inert waste material for re-instatement of the worked-out areas. Furthermore, the extraction/quarrying activity at Zig Zag Quarry was previously covered by the Review of Old Mineral Permissions (ROMP). The ROMP notice (Condition 3) established a requirement for the operator to submit a restoration plan for approval. The ROMP application was withdrawn on approval of the 2001 planning permission (2000/3295/16/PN) which in effect consolidated all previous permissions under one modern permission.

With regards to the legal obligation for the restoration of the silt lagoons at the Aller Vale Quarry, a planning application specifically for the use of the silt lagoons was granted by DCC on 19 March 2008 (07/02215/DCC) for the following activity:

"*Continued use of silt lagoons at Colesville (Aller Vale) Quarry, Coffinswell, Newton Abbot*".

Condition 4 of that planning permission requires that the landscaping scheme shall be in accordance with the general principles of restoration shown on drawing no. AO36e/59.

In light of the above, the implementation of the planning permissions and approval of the restoration schemes demonstrate that there is a statutory obligation to restore the sites. Failure to restore the sites would constitute a breach of planning control and the legal agreement and be subject to enforcement action by Devon County Council.

Will the proposal be completed to an appropriate standard?

The restoration scheme for the Zig Zag quarry has been compiled by a team of professionals at EPS Ecology Ltd. The restoration plan has been through the rigours of testing its appropriateness in the determination process of the planning application.

The restoration will be implemented by an experienced and suitably qualified groundworks contractor. Reference will be made to the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites when undertaking the infill phase of the restoration work.

2 Introduction

Harleyford Aggregates Ltd have obtained planning permission for the continuation and extension of mineral extraction and processing at the Zig Zag Quarry, Newton Abbot. This includes the importation of up to 285,000 tonnes of inert soil over a five-year period to enable the proposed restoration scheme to be implemented. Separate planning permissions were granted for the pipelines for the deposition of silt and the continued use of the silt lagoons at Aller Vale Quarry.

The site has been assessed for its suitability for a Standard Rules permit SR2015 No.39 "*Use of waste in a deposit for recovery operation (Construction, reclamation, restoration or improvement of land other than by mobile plant)*", however due to the anticipated volume of soil required to complete the restoration, a bespoke permit will be applied for. The applicant for the permit will be Harleyford Aggregates (land owner), who will be working with experienced civil engineering and earthworks contractor, BT Jenkins Ltd.

The existing planning approval allows for mineral extraction at Zig Zag Quarry to take place in a series of working phases and a progressive restoration. The previous phased restoration anticipated that void spaces would be generated through the extraction associated with Phase 1, which would accommodate deposition of the overburden and residual clays from future extraction of subsequent phases of extraction.

Following further investigation, it was determined that the Phase 1 extraction did not generate a void large enough to accommodate surplus material from the next phase's workings and therefore the very tight working space has meant excavated material has been stored within Phases 2 and 3. This has meant the progressive restoration planned by the original planning consent issued in 2001 was not possible. Accordingly a new planning application was submitted to Devon County Council in 2016, which includes the importation of material. The planning application undertaken in 2016 sought to address the issue and steps are already underway to progress the restoration of the eastern flank of the quarry in accordance with existing planning permission using the existing material on-site.

The approved restoration for Zig Zag Quarry (drawing No. 1036/PL15 – Figure 1) illustrates the following:

1) Restoration of the upper and middle faces around the northern section of the quarry by backfilling to create two woodland areas separated by an access track.
2) Restoration of the lower central and eastern sections of the quarry to an area of woodland, grassland, glades and in the south a seasonal wetland area, to the south of which is a linear belt of woodland.

Once the mineral processing operations at Zig Zag Quarry cease the deposition and use of the silt lagoons at Aller Vale Quarry site will no longer be required and restoration will need to commence. The approved restoration scheme for the silt lagoons at the Aller Vale Quarry (drawing no. A036e/59 – Figure 5) indicates the following:

1) Capping of lagoons with soils and overburden to achieve required restoration profiles.
2) Planting of trees and grass to restore the site to grassland and woodland.

The volume of waste required to adequately restore the land, ensures that a standard rules permit is not possible for this site. In-line with guidance for a bespoke permit application, this report has been compiled to provide evidence that the operation constitutes a waste recovery operation, rather than waste disposal.

2.1 Site Description

The site is located approx. 2km south-east of Newton Abbot, and 1.2km north-east of the village of Kingskerswell. The boundary marking the proposed development area is shown in Figure 1 and the Aller Vale silt lagoons are located approximately 200m directly north of Zig Zag Quarry.

The Zig Zag Quarry restoration site, in its existing state, can be characterised into the following areas:-

- A large void in the north-east of the site which is the older mineral extraction area.
- The active mining area in the west of the site consisting of various benches and voids.
- A large void to the south of the site which acts as the silt pond and return water dam.
- The east and centre of the site consists of the wash plant, bagging and processing facilities, material stockpiling area and other administration facilities.

The topography of the site is such that the elevation from the floor of the quarry in the west is approx. 40m AOD and increases into the hillside to the west to the highest point at approx. 80m AOD. The quarry site is mainly enclosed by woodland screening corridors of varying widths, some of which appear to be the result of planting, whilst hedgebanks supporting a low hedgerow of native woody species enclose the farmland to its north, east and south.

The total area occupied by the quarry, including the voids and plant operations, measures approximately 8.2ha in extent.

The existing plant and operation's area extends to approximately 2.0ha and the uses currently permitted include:

- Processing, stockpiling and sale of sand and gravel, both excavated from adjoining land and imported into the site.
- The bagging of processed and imported aggregates for resale.
- Importation and resale of aggregates.
- Production of ready mixed mortar and concrete.
- Office accommodation for associated staff.
- Pipeline to silt lagoons on adjacent land.

The site is accessed through the existing quarry entrance off the A380 Torquay Road. The site is 1.6 km south of the Penn Inn roundabout at Newton Abbot and 2.5km north of Torquay.

The silt lagoons at the adjacent Aller Vale Quarry are linked to the Zig Zag Quarry via an underground pipeline and occupy a total area of approximately 4 ha. Silt from the processing plant at Zig Zag Quarry is pumped via the underground pipeline to the upper silt lagoon (reference: T10), water then flows across the lagoon where silt is deposited by gravity, the clear water then flows into the lower lagoon (reference: T6) and the clean water is then re-circulated into the processing plant to be used again. The position of these lagoons is shown on plan ref: A036e/58 (Figure 5). Restoration of the silt lagoon reference T10 to grassland started in 2009 and final restoration is currently subject to the capping layer of topsoil. The majority of the area surrounding the lagoons has been restored to levels agreed in the approved plans by the importation of inert wastes in accordance with the planning consent and have undergone a suitable aftercare period.

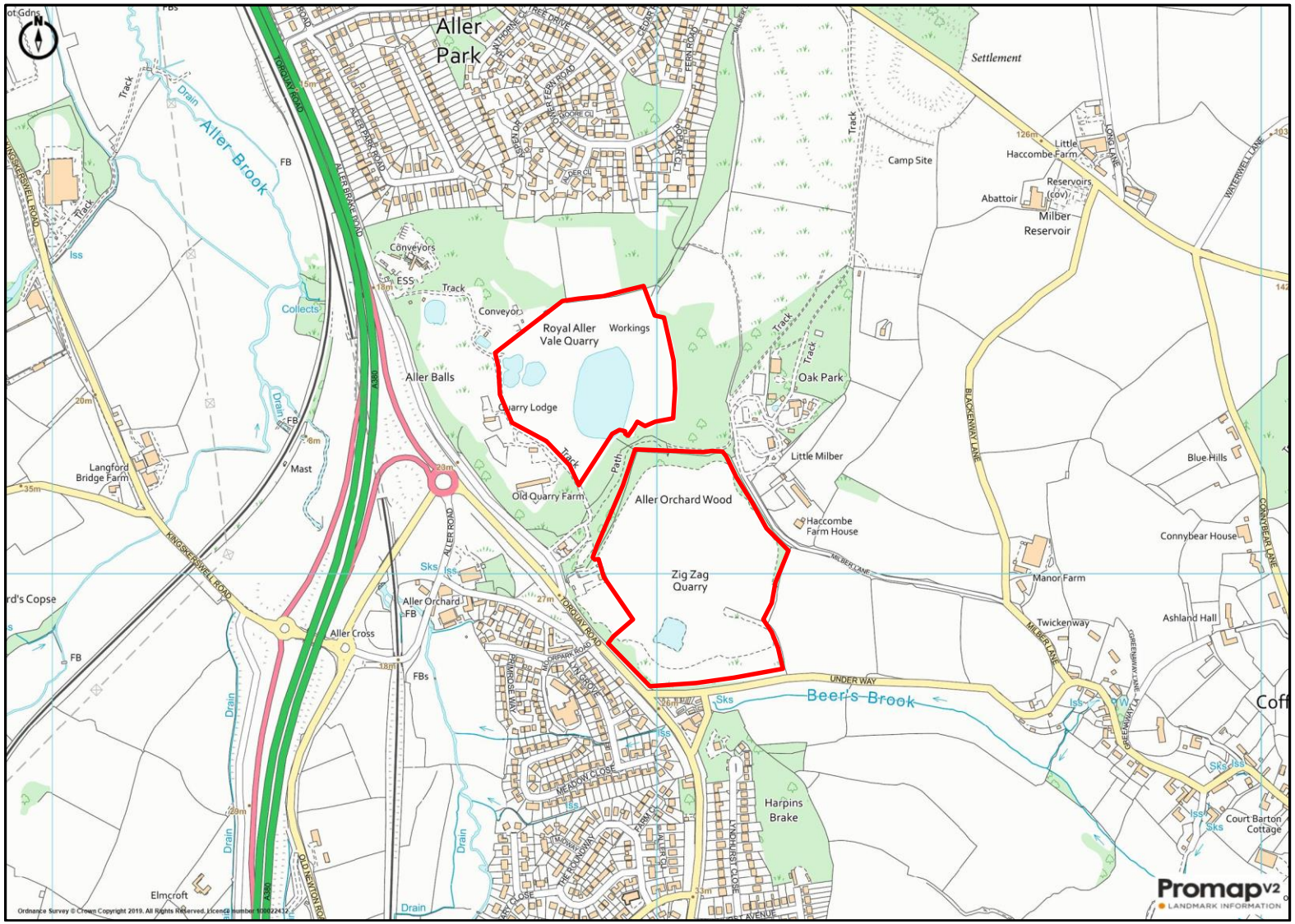


Figure 1: Site location plan

2.2 Background

Zig Zag Quarry is an existing sand and gravel quarry. The main business is providing high-quality sand and gravel to the construction industry either in bulk or in bags. However, the site also retails other construction materials to the general public.

According to the Devon County Minerals Local Plan[1], the Zig Zag Quarry was initially worked under the auspices of a permission granted in 1947. The site was granted an extension in 1972 covering land to the north east of the quarry. Planning permission to extend mineral workings, rationalise the overall quarry workings and to restore the worked-out site by the importation of appropriate material for an after-use to woodland and meadow, was granted in May 2001.

Due to the nature of the topography of the site, the quarry has been worked from a south to north direction on a number of wide benches. This is effectively into the direction of the hillside and has resulted in steep faces / slopes on the north and eastern edges of the quarry which act as the high walls to voids in the centre of the site. To ensure stabilisation of these slopes on the outer edges, the original restoration plan envisaged the backfilling the voids to create a series of stepped platforms towards the highest part of the hillside in the east. In order to achieve this, inert waste material would need to be brought to the site to act as stabilisation material and to create a medium for planting activities. The revised and approved 2016 restoration plan continues with this theme and reinforces the importance of creating stepped benches to reduce the steep outer slopes of the quarry. This approach results in a more stable feature and significantly reduces the visual impact as well as the drainage requirements, all of which promotes plant growth and a sustainable land use.

In December 1997 planning permission was granted for underground pipelines leading from the adjacent Zig Zag Quarry to discharge silt into the existing settlement lagoons at Aller Vale Quarry. An additional consent, granted in March 2008, gave permission for the continued use of the silt lagoons and therefore silting will continue for the life of Zig Zag Quarry into lagoon reference T10.

2.3 Restoration Proposals

2.3.1 Zig Zag Quarry

The primary purpose of the activity is the restoration of the land to agricultural grazing with areas of scrubland and woodland. The importation of material to the site is essential for restoring parts of the site to allow the land to be returned to beneficial use; notably the steeply cut quarry sides and escarpments. The activity is therefore considered to create benefit to the land, improve the local landscape and increase amenity value for local residents. Key points in the Restoration Programme include:

- The 2016 design follows the basic principles set out in the 2001 design, i.e. the quarry will retain a step-down profile from Milber Lane to the base of the quarry; the retail sales area and plant site shall be retained to continue the importation and sales of construction material to the general public.
- The 2001 plan incorporated the north and east of the quarry in the step-down design. It has become apparent that the majority of the material currently stored in the eastern side of the

[1] Devon County Minerals Local Plan, Adopted Plan: Part B, June 2004

quarry is capable of remaining in situ. By leaving it *in-situ* it can be contoured to blend in with the field to the east of the quarry and be returned to agricultural use. When looking from the Coffinswell direction it will appear to be a natural landform and will screen the final working area.

- The mineral extraction extension requires working up to a public bridleway. In response to this plan the landowner has identified a potential route for a permanent diversion which, whilst marginally longer than the existing route, will be of a lesser gradient making it easier to use.
- The 2001 design had always anticipated the use of inert waste material to provide face stabilisation and final contours to the north of the site.
- Harleyford Aggregates Ltd are seeking to continue use of the southern part of the site as an aggregate recycling facility once extraction of materials from the site is completed. By reducing the area of step-down design and reintroducing an agricultural area the amount of inert material required to restore the site is significantly reduced. Surveys and calculations were undertaken in 2015 to establish the void space from a theoretical maximum extraction to the proposed final restored site design. These calculations determined that approximately 35,000t of topsoil and 250,000t of subsoils will be required to achieve the final restoration levels and allow for a suitable growing medium.
- Following additional topographic survey undertaken in October 2019 has verified the volumes of material in the main quarry site to be 132,705m^3, equivalent to 265,410 tonnes (at an assumed bulk density of 2 tonnes per m^3). This is equivalent to 230, 410 tonnes of subsoil and 35,000 tonnes of topsoil.
- The restoration plateau is designed on two levels. This is for two reasons: firstly the lower level adjacent to Torquay Road will retain the benefit of screening by the substantial earth embankment and tree screen, and secondly it will allow the site to manage rainfall run-off by providing a large area to absorb rainfall and in extreme rainfall events by diverting it away from the site entrance. The site will gradually fall from the west to the east, taking all rainfall towards the lagoon/pond to allow settlement prior to re-use on site or discharge off site.

2.3.2 Aller Vale Quarry Silt Lagoons

As mentioned in section 2.1 above, restoration of the silt lagoon reference T1 has been ongoing and is approaching the final stage which will include placement of top soil and subsequent landscaping works. Once mineral processing operations at Zig Zag Quarry cease the silt lagoon T10 will be allowed to dry. To create a stable lagoon bank it is proposed to place approximately 10,000t (5,000m^3) of subsoils onto the lower slope of T10, a further 28,000t (14,000m^3) of topsoil will be required for to achieve a suitable growing medium over the lagoons. The lagoon T10 will then be landscaped to an area of grassland and woodland. The clean water storage lagoon reference T6 will be profiled and landscaped to form a shallow water/marsh seasonal pond.

2.4 Restoration objectives

The design of the restoration scheme is to meet the following principal objectives:-

2.4.1 Zig Zag Quarry

1) Restoration of the upper and middle faces around the northern section of the quarry by backfilling to create two woodland areas separated by an access track.
2) Restoration of the lower central and eastern sections of the quarry to an area of woodland, and grassland and the area in the south a seasonal wetland area bounded to the south by a linear belt of woodland.
3) The existing storage and distribution yard will be retained and set aside as a future development site with a long term potential for leisure and retail land uses.

2.4.2 Aller Vale Quarry Silt Lagoons

1) Capping of lagoons with subsoils and topsoil to achieve the required restoration profiles.
2) Planting of trees and grass to restore the site to grassland and woodland.

2.5 Restoration phases

The existing planning approval allows the extraction at Zig Zag Quarry to take place in a series of working phases and a progressive restoration. Work is continuing but due to variations in mineral quality and demand the extraction has not been able to be carried out in accordance with the original sequence.

The approved restoration plan is to extend the extraction of minerals into the north-western area, as illustrated in the key on drawing number 1036/PL15 (Appendix 1). The existing woodland at the top of the existing quarry face along this flank will be felled and a series of working faces 7m high will be formed at a lower level. The final levels can be seen in cross-section (Appendix 2).

Progressive restoration will continue to be carried out within the existing quarry permitted area, as shown on drawing number 1036/PL14 (Appendix 3). This will involve the following operations:

1) A continuation of ground shaping northwards from the existing restored area in the south-east corner of the quarry to coincide with existing levels at the top of the existing face adjacent to Milber Lane and south of Haccombe Farm House. This will involve the removal of the two incongruous linear conifer screens and the temporary spoil heaps. On-site spoil and topsoil will be used to create a field totalling approximately 80m wide by 230m long (north to south) with a gradient of 1 in 6 (9.5°).
2) Using all available spoil and topsoil from the existing quarry working areas and that stripped from the proposed extension areas, plus imported spoil, a series of terraced slopes will be formed, as shown on drawings numbered 1036/PL15 (Appendix 1) and 1036/PL16 (Appendix 2). The upper quarry faces will be backfilled to a gradient of 1 in 1 ½ (34°), the two lower slopes backfilled at a gradient of 1 in 3 (18°). Access tracks will be provided as illustrated on the drawings. Along the eastern edge of this area a 1 in 1 ½ (34°) (north) and 1 in 2 (27°) (south) slope will link the backfilled northern areas to the western edge of the open field area described in (1) above. The new backfilled slopes will be grassed with a low maintenance seed mixture and planted, as illustrated, with copses of indigenous tree species to provide shelter, a diversity of habitats and visual interest.
3) The existing, southern section of the quarry will be developed to form platforms as illustrated in the restoration plan, drawing number 1036/PL15 (Appendix 1). The upper platform,

approximately 1.4 hectares in area, will be set at the base of the northern backfilled slopes at a level of 38m AOD. The platform will be graded slightly back toward the base of the slope to allow rainfall to be either absorbed by the soil /grassland planting or intercepted in the drainage ditch and moved to the lagoon. A retaining structure 4.5m high will be constructed between this higher platform and the lower retained development site of approximately 1.8 hectares in area and set at a similar level to the existing quarry stockyard of 33.5m AOD.

4) A series of cut-off drains and catchment ditches will be provided to collect surface run-off water from the backfilled slopes and the development area and this water channelled to a new pond in the south, as shown on the drawing.

5) The soft landscaped areas will be carried out in the first available planting/seeding seasons as land becomes available. All new tree-planting will be carried out and maintained in accordance with the ecological report produced by EPS Ecology Ltd which forms part of the 2016 planning application.

Condition 5 of the planning decision notice issued in May 2016 required the applicant to submit a Landscape Environmental Management Plan (LEMP) for the development. The applicant prepared a Biodiversity Method Statement (BMS) in fulfilment of this condition, which was subsequently approved/discharged by Devon County Council (DCC/3841/2016) on 22 May 2017 and is included as Appendix 4.

The BMS produced by EPS Ecology Ltd provides further details on how the restoration will be achieved and managed. The report provides extensive detail on the following aspects;

- Location and height of stockpiles of inert waste.
- Grassland and tree management in line with BS3998 (including details of coppicing/ pruning.
- Vegetation and tree removal, (timing and location, to ensure minimal harm to Bats, Birds, Reptiles, Amphibians and Dormice occurs).
- Hedgerow management and ongoing aftercare.
- Replacement planting (including soil preparation, planting method, spacing, seed types, plant species, stock size, means of protection/ support, timing of planting) and proposed maintenance.
- Soil management; (including timings for removal; depth and method of spreading of subsoil's and topsoil, their cultivation and fertilisation) in accordance with Mineral Practice Guidance.
- Ongoing maintenance of fencing.

As previously mentioned final restoration of the silt lagoons at the Aller Vale Quarry will begin once the mineral processing operations at Zig Zag Quarry cease. The proposed restoration will include the following phases:

1) Final deposition of topsoil (approximately 11,400t (5,700m^3)) and ground shaping to required profile at lagoon ref .T11, seeding and planting to grassland as well as additional tree planting.

2) Placement of capping material (approximately 10,000t (5,000m^3)) to create a stable lagoon bank onto the lower slope of T10 and other areas to meet the required profiles. This area will also require 0.5m of topsoil (approximately 14,000t (7,000m^3)) to allow for a suitable growing medium.

3) Landscaping to an area of grassland and intermittent woodland. The landscaping scheme will be in accordance with the general principles as shown on drawing ref: A036e/58 (Appendix 5) and drawing no A036e/59 (Appendix 6).

4) Topsoil (approximately 2,600t (1,300m^3)) will be placed as part of the restoration of the clean water storage lagoon reference T6, this area will then be profiled and landscaped to form a shallow water/marsh seasonal pond.

3 Waste Recovery Operation

This section of the report details how the site meets with the definition of waste recovery in-line with the criteria specified by the EA waste recovery and permitting guidelines and the definition of waste recovery provided by the Waste Framework Directive (WFD).

3.1 Benefit and purpose of use of waste

With reference to the restoration objectives described above, the imported material will be vital for ensuring that the stability of the terraced slopes. The site does not currently have sufficient material to allow for sloping of the steep faces to a safe gradient. Similarly to the Zig Zag Quarry, imported material will be essential to create a stable lagoon bank and the placement of soils on the silt will ensure that the re-establishment of vegetation can be successful. The restoration is designed to achieve the following benefits:-

1) Restoration of the upper and middle faces around the northern section of the quarry by backfilling to create two woodland areas separated by an access track.

Using all available spoil and topsoil from the existing quarry working areas and that stripped from the proposed extension areas, plus imported material, a series of terraced slopes will be formed. The new backfilled slopes will be grassed with a low maintenance seed mixture and planted, with copses of indigenous tree species to provide shelter, a diversity of habitats and visual interest.

2) Restoration of the lower central and eastern sections of the quarry to an area of woodland, grassland, glades and in the south a seasonal wetland area, to the south of which is a linear belt of woodland.

Following importation of waste material to re-profile the landscape, this zone will be permitted to naturally regenerate. Similar to the above, the use of the imported material for backfilling of the worked out areas will allow for a more uniform landform base for the landscaping to proceed.

3) Enhance sustainable surface water management

A series of cut-off drains and catchment ditches will be provided to collect surface run-off water from the backfilled slopes and the development area and this will be channelled to the existing lagoon/pond in the south eastern section of the quarry. Imported waste material will be used to create the backfilled slopes and surface water management bund to channel water to the pond.

3.2 The proposed quantity of waste and whether the minimum amount of waste is being used to achieve the intended benefit

The proposed scheme has been specifically designed to satisfy the requirements of the planning authority. Up to 260,000t (130,000 m^3) of imported inert soils and 63,000t (31,500 m^3) of topsoil will

be required to achieve the profiles and growing medium provided under the approved restoration schemes (including the requirements for the Aller Vale silt lagoons).

Should a lesser volume of material be used the restoration profiles in the consented scheme could not be achieved, or the restoration objectives met. This would result in a breach of planning control, with the potential for enforcement action from the Minerals Planning Authority, Devon County Council.

3.2.1 Proposed Waste Types

With reference to the European Waste Catalogue (EWC) List of Wastes (LoW) it is proposed to accept the following wastes at the site:

01 Waste resulting from exploration, mining, quarrying, physical and chemical treatment of minerals

Waste Code	Description
01 04 08	Waste gravel and crushed rocks other than those mentioned in 01 04 07
01 04 09	Waste sand and clays

17 Construction and Demolition wastes (excluding excavated soil from contaminated sites)

Waste Code	Description
17 05 04	Soils and stones including chalk other than those mentioned in 17 05 03

Material will only be sourced from uncontaminated sites and suitable soils will be selected for use at the site at source. This material will consist solely of inert subsoils, classified as such in accordance with the inert Waste Acceptance Criteria (WAC) specified by the European Council Decision 2003/3/EC (on establishing criteria and procedures for the acceptance of waste at landfills), and topsoil from uncontaminated sites. The proposal will prioritise the use of local materials, from contemporaneous geology and similar soil type as those seen at the quarry.

To ensure the waste is suitable for the restoration objectives, pre-acceptance checks will be carried out and these will include waste characterisation tests that will be verified by a suitably qualified person prior to the soils leaving the site of origin. The results of these tests and checks will also be reviewed by the landowner or their representative prior to any waste material arriving at the site.

3.2.2 Volume of waste to be recovered

The applicant is seeking to continue this site once aggregate extraction is complete. However, by reducing the area of step-down design and reintroducing an agricultural area, the amount of inert material required to restore the site will be reduced. Surveys were undertaken in October 2019 over the quarry and adjacent lagoons and calculations were performed to establish the void space from a theoretical maximum extraction to the proposed final restored site design. The calculations indicate the quarry site and the silt lagoons at Aller Vale Quarry will require the following volumes of restoration material:

Area	Cut (m3)	Fill (m3)	NET (m3)	Tonnes (@ 2t/m3)
Main Quarry Site	65,600	198,330	132,705	265,410
Aller Vale Quarry Lagoons	0	19,000	19,000	38,000
TOTAL	65,600	217,330	151,705	303,410

Table 1:

To meet the definition of waste recovery the scheme must demonstrate that it proposes the minimum amount of waste to achieve the intended benefit. With reference to the restoration objectives the importation of fill materials will allow successful implementation of each. A lesser amount of material would not be adequate to ensure successful surface water drainage and safe gradients for the ecological management as set out in the Biodiversity Method Statement.

3.3 Pollution potential of the waste material

Only inert subsoils and clean topsoil will be accepted at the site. Strict waste acceptance procedures will be employed on site to ensure that no prohibited materials will be accepted at the site. The procedures will also set out how to deal with rogue or non-conforming loads. As such, it is considered that in following the criteria detailed the material is unlikely to cause pollution.

3.4 Evidence of substitution for non-waste materials

In accordance with the definition of waste recovery established by the Waste Framework Directive, waste recovery activities must demonstrate that the waste is being used as a substitute for non-waste material. In this case there is a planning obligation in the form of planning conditions to restore the sites according to the approved plans.

3.4.1 Zig Zag Quarry Planning Requirement Obligations

The obligation for restoration as a requirement of planning consent for the extraction of aggregates is established through the 2001 planning permission notice. The Environment Act 1995 placed a duty on the County Council to review and update mineral planning permissions where predominant mineral permission were granted between 1 April 1969 – 22 February 1982 referred to as Active Phase II sites. According to the Devon County Council Minerals Local Plan 2004 Zig Zag Quarry is an Active Phase II site.

The classification would have meant that the council would have served a notice to specify a date for the determination of new planning conditions imposing modern operating, restoration and aftercare conditions upon the site. This essentially would have been undertaken through a Review of Old Mineral Permissions (ROMP) application. This was initially the case, however the ROMP application was withdrawn on approval of the 2001 planning permission which consolidated all previous permissions under one modern permission and it considered that these planning conditions were adequate.

Devon County Council (DCC) granted planning permission in May 2001 under reference 2000/3295/16/PN and that planning permission included reinstatement of the worked-out site by the

importation of appropriate material for the restoration to woodland and meadow. As part of the conditions of that planning consent, condition 7 stipulated that materials to be incorporated into the mineral site for purposes of restoration shall comprise only selected non-putrescible wastes or such wastes as may be agreed in writing with the Mineral Planning Authority. The conditions of that planning permission also detailed the requirements of the overall restoration plan and work scheme activities.

The 2001 planning permission was superseded by a subsequent planning permission granted in 2016 (ref. DCC/3841/2016) which explicitly specified the import of material for the completion of the restoration:

"*Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel. Revised progressive restoration requiring the importation of 285,000 tonnes of inert waste material over a five year period. Diversion of a bridleway with the construction of a new permanent route at Harleyford Aggregates Ltd, Zig Zag Quarry*".

The latest planning permission (DCC/3841/2016) and approved restoration plan (drawing No. 1036/PL14 - Figure 2) transpose all previous restoration plans. In the latest planning consent it is clear that DCC recognised that there was always an intention to use inert waste material for re-instatement of the worked-out areas.

Condition 3 of the planning permission requires that "*The development shall be carried out in strict accordance with the details shown on the Approved Plans/ Drawings and Document numbered or entitled 1036/PL4.1; 1036/PL14/A; 1036/PL 15/A; 1036/PL16/A; FRA Addendum V1 08.08.16; 446-FRA3B; 446-FRA4; BS72/06.16/01/DW/A; 'Site Entrance Intercept/ Rev A'; 1036/50; unless varied by the conditions below."*

In summary, this was clearly an application for the importation of inert material only, which sought to directly address the deficit between the volume of material available onsite, and the volume of material required to implement a suitable restoration scheme. The 2001 design had also always anticipated the use of inert waste material to provide face stabilisation and final contours to the north of the site. Condition 19 of the Planning Permission is explicit in that "*inert waste, sand and gravel material, shall be imported into the site (in the case of waste material) or exported from the site (in the case of aggregate extracted at the site). This is to ensure that the impacts from the development on the highway are acceptable and in accordance with the mineral and waste policies*".

The planning officer's report document further highlights this as noted under section 6.10 of that report and extracted below:

"*It is considered that the proposed scheme would satisfy the criteria to be defined as a recovery operation and so accord with the waste hierarchy contained in the National Planning Policy for Waste and Waste Plan Policy W2 (Sustainable Waste Management). It would also meet the criteria set out in Policy W5 (Reuse, Recycling and Materials Recovery) as it would provide an opportunity for a beneficial use for the material.*

Policy W5 also allows for recovery of waste materials where a site is close to the source of waste, and it is evident that there are likely to be sufficient sources of local inert waste material as a consequence of proposed and permitted development within a 5 mile vicinity off the quarry, in combination with the fact that there are limited inert waste landfill sites in the vicinity that would provide an alternative destination for the waste (albeit at a lower level in the waste hierarchy)".

In light of the above, the implementation of the planning permission, approval of the restoration scheme demonstrates that there is a statutory obligation to restore the site. Failure to restore the site would constitute a breach of planning control and the legal agreement and be subject to enforcement action by DCC.

A full copy of Planning Decision Notice ref. DCC/3841/2016 is included in Appendix 7.

3.4.2 Aller Quarry silt lagoons Planning Obligations

Planning records show that quarrying operations have been carried out on site at Aller Vale since the 1950's. In 1997 planning permission was granted for underground pipelines leading from the adjacent Zig Zag Quarry to discharge silt into the existing settlement ponds in Aller Vale Quarry. The planning history and council notes (EEC/06/27/HQ – June 2006[2]) indicate that a draft Section 106 agreement was prepared and agreed in principle by DCC, the quarry operator and the landowner in 2004. The draft section 106 agreement contained a clause that should the Zig Zag Quarry permanently cease a restoration scheme for the silt lagoons should be submitted to the Council for approval. A planning application specifically for the use of the silt lagoons was however granted by DCC on 19 March 2008 (07/02215/DCC) for the following activity:

"Continued use of silt lagoons at Colesville (Aller Vale) Quarry, Coffinswell, Newton Abbot".

Condition 4 of that planning permission requires that the landscaping scheme shall be in accordance with the general principles of restoration shown on plan (drawing no. AO36e/59 - Figure 5). The supporting information document submitted with the planning application indicates that approximately 10,000m^3 of inert material, soils and overburden will be required for the restoration of the silt lagoons. This planning permission therefore places an obligation on the applicant to restore the silt lagoons in accordance with the approved restoration plan and the use of imported inert material to achieve this.

This Planning Permission was effectively superseded by Condition 21 of DCC/3841/2016, which requires the restoration of the silt ponds at Aller Vale Quarry alongside the restoration of the Zig Zag Quarry.

A full copy of the Planning Decision Notice ref: 07/02215/DCC is included in Appendix 8.

3.4.3 Justification for waste recovery

Without bringing in additional material the site could be partially restored, but the main quarry void would remain steeply-sided and difficult to integrate into the landscape. The planning officer's report under section 6 states the following regarding the restoration proposal against the DCC Development Plan Policy:

"*The application proposes the importation of 285,000 tonnes of inert waste in order to achieve the final landforms proposed for restoration. In order to determine if the proposal amounts to a recovery operation, rather than amounting to disposal which sits lower in the waste hierarchy, the MPA needs to be satisfied that the waste would serve a useful purpose by replacing material that would have otherwise been used, in order to achieve an effective and lasting beneficial use. In this case there will be a requirement to restore Zig Zag quarry as part of the planning permission. Without bringing in additional material the site could be partially restored, but the main quarry void would remain steeply-sided and difficult to integrate into the landscape. This would raise material planning issues regarding its appearance adjacent to a designated Area of Great Landscape Value (AGLV) as well as its function as part of the strategic flyways for Greater Horseshoe Bats associated with the South Hams SAC. It is considered that partially capping the quarry with the imported waste to re-profile the quarry and provide tree planting and a number of fields enclosed with hedgerows with intermittent trees, will allow*

[2] PTE/16/49 Development Management Committee 19 October 2016

it to better fit within its landscape context and provide biodiversity enhancement – in particular for a European protected species.

In order to achieve the proposed scheme, the alternative to bringing in inert waste would be using imported soils and other non-waste materials to achieve the final landforms. In this case using inert waste available locally may help to reduce road miles as well as limiting the need for extraction of additional finite resources".

During the preparation of the planning application, consideration was given to the likely availability of projects in the area that would be generating waste of an appropriate type of the use for this project. It was found that is there is likely to be sufficient volume of suitable, inert, waste material to complete this project within the local area. In addition, there are limited inert waste landfill sites in the vicinity that would provide an alternative destination for the waste (albeit at a lower level in the waste hierarchy).The material proposed for the infilling operation is considered appropriate for the purposes of the restoration of the land in terms of its composition, availability and economic feasibility.

In-line with the waste hierarchy, waste recovery for use in a quarry restoration is considered preferable to disposal. It is unlikely that the use of primary/ secondary aggregate and/or virgin soils to complete the proposed restoration would be economically attractive. However, regardless of the economic consideration, the legal obligation on the quarry owner to ensure that a suitable landscape and aftercare scheme is completed remains. Were the importation of inert waste not an option, a scheme for the completion of the restoration works, as described in this plan, using non-waste would have needed to have been approved by Devon County Council (DCC). It is quite apparent that all consultation with the Minerals Authority through the ROMP notice as well as planning considerations with the DCC involved approval of importing inert material for use in the restoration scheme. This is also apparent for the restoration of the silt lagoons at the Aller Vale Quarry.

It will not be viable to undertake a successful restoration scheme using only the available soils onsite and for the owner to implement the approved restoration scheme. If there was no option of accepting waste, the restored levels as proposed would need to be met for the reasons set out in Section 3.1 and 3.3 of this report.

Planning permission (ref: DCC/3841/2016) is explicitly for the importation of inert waste to achieve the proposed site restoration. This is considered the optimum means of achieving the restoration in a timely manner. Whilst it would be possible to complete the work using non-waste alternatives, such as primary aggregate, or non-waste soil, this approach would deplete natural resources that would be better used elsewhere, it would also be in conflict with Devon County Waste policies which advocate the recycling and reuse of waste materials where possible and would introduce additional unnecessary costs to the project. For this reason the Planning Application is clear that it is proposed to use imported inert waste.

3.5 Design Standards

3.5.1 Restoration

The work will be carried out in accordance with the restoration proposals established in the Biodiversity Method Statement (BMS) developed by EPS Ecology Ltd. The BMS specifically highlights the measures and standards for managing soils, stockpiles, vegetation, hedgerows and ecology. DCC approved the Final (Revised V2) BMS in May 2017.

Guidance on the restoration and aftercare of mineral sites is outlined within paragraphs 33-51 of the Technical Guidance to the National Planning Policy Framework, and this is referenced throughout the

design. The storage and spreading of soil will be carried out in accordance with the DEFRA (Department of Environment, Food and Rural Affairs) Construction Code for the Sustainable Use of Soils on Construction Sites. In particular, the recommendation in this document should be adhered to for the stockpiling and spreading of soils.

3.5.2 Drainage

DCC Mineral Planning Authority approved the phased drainage proposal set out within the document entitled: “Phasing Drainage Strategy - Zig Zag Quarry, Aller, Kingskerswell”, produced by Teignconsult Ltd, in March 2017. The drainage strategy provides various drawings that outline the proposed surface water drainage methods and layouts in accordance with the proposed restoration phases.

4 Conclusion

The proposed importation of inert soils and topsoil for the purpose of restoration have been set out in this document, with specific reference to the criteria provided in the EA's waste recovery plans and permits guidance. It is considered that the waste recovery tests presented in the guidance documentation have been satisfactorily addressed by this document. This document has established that without bringing in additional material the site could be partially restored, but the main quarry void would remain steeply-sided and difficult to integrate into the landscape. This would raise material planning issues regarding its appearance adjacent to a designated Area of Great Landscape Value (AGLV) as well as its function as part of the strategic flyways for Greater Horseshoe Bats associated with the South Hams SAC. The partial infilling the quarry with imported soils to re-profile the quarry and provide tree planting and a number of fields enclosed with hedgerows with intermittent trees, will allow it to better fit within its landscape context and provide biodiversity enhancement – in particular for a European protected species.

As for the final restoration the eastern section would form agricultural fields, with hedgerows and hedgerow trees characteristic of the wider landscape. This will have beneficial visual effects in relation to the Local Character Area. The remainder of the proposed restoration would be an informal pattern of grassland and woodland, over steep slopes and terraces in the north-western half of the site.

The restoration of the silt lagoons at the Aller Vale Quarry is necessary to complete the final profiles and beneficial after use for the site, especially since majority of the site has already been restored. Furthermore this documents addresses the key questions presented in the EA guidance documentation against which Waste Recovery Plans are assessed.

The following are particularly of note:

- Requirement for restoration original part of ROMP notice and subsequent planning approval in 2001 which accompanied the mineral extraction rights for the site;
- A subsequent planning application was submitted and approved by Devon County Council in 2016 which set out the proposals for the restoration of the site. The pre-commencement conditions have been satisfied and discharged by the Mineral Planning Authority;
- The planning permission for the continuation of the silt lagoons at Aller Vale Quarry in 2008 and the planning obligations for restoration.
- The volume of material required to establish the required levels are considerably below the capacity left by the mineral extraction;
- The restoration proposals fully utilise all soil and material available on-site;
- Nevertheless the importation of up to 265,410 tonnes (132,705m^3) of inert sub-soils and topsoil is required to complete the restoration largely owing to the proposed re-profiling of the steep northern quarry faces. This is the minimum amount of waste material required to complete the proposed restoration.
- The importation of up to 38,000 tonnes (19,000m^3) of inert sub-soils and topsoil is required to complete the restoration of the silt lagoons at the adjacent Aller Vale Quarry.

The work will be carried out in accordance with the restoration scheme prepared by EPS Ecology Ltd. The storage and spreading of soil will be carried out in accordance with the DEFRA Construction Code for the Sustainable Use of Soils on Construction Sites. In particular the recommendation in this document should be adhered to for the stockpiling and spreading of soils.

Appendices

Appendix 1 – Zig Zag Quarry Restoration Concept Plan

Approved Restoration Concept (Drawing No. 1036/PL15)

ROYAL ALLER VALE QUARRY

Aller Orchard Wood

Oak Park

Milber Down

Haycombe Farm House

Milber Lane

Moor Park Road

ALLER

Torquay Road

LYN GROVE

Park

Under Way

Track

Ramp

Entrance

Existing storage and distribution yard retained

Retaining Structure

Proposed Indigenous tree planting

Natural regeneration on grass slopes

Cut-off drain/ditch

Proposed Species-rich Grassland

Proposed Tree Planting along route of former footpath

Pond

Shallows

Restored Grassland

1 in 1½

1 in 2

1 in 3

X

Y

Z

W

49.55 63.61 67.69 90.71 88.22 88.49 67.79 81.57 62.08 88.28 55.22 52.06 50.88 42 43 36.57 33.74 42.86 33.5 38.5 26.09 85.24 83.68 83.4 37.01 34.96 37.42 34.98 31.84 9.87

See Drawing No. 1036/PL16A for Cross Sections

KEY

- Existing Vegetation/Woodland
- Existing Ponds/Lakes
- Existing Scrub
- Existing Public Footpaths
- Current extent of Northern Face
- Quarry Faces
- Banks
- Route of Diverted Footpath
- Restored Grassland
- Exposed Faces
- Surface Water Drainage
- Existing Yard Retained
- Species rich grassland & natural regeneration
- Indigenous Tree Planting
- Water treatment pond
- New Hedgerow/Trees

A Revised 12/7/2016 following meeting with Devon Planners

HARLEYFORD AGGREGATES LIMITED

ZIG ZAG QUARRY, ALLER, NEWTON ABBOT , DEVON

PROPOSED QUARRY EXTENSION

LANDSCAPE & VISUAL IMPACT ASSESSMENT

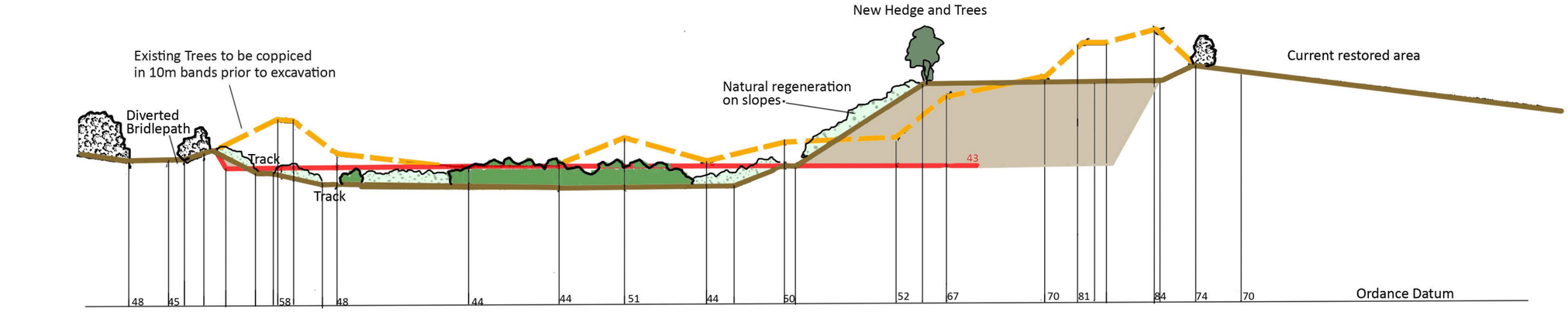
RICHARD PAYNE. CMLI
Chartered Landscape Architect
20 Were Close, Warminster, Wiltshire, BA12 8TB

1/2,000 scale RESTORATION CONCEPT at A3

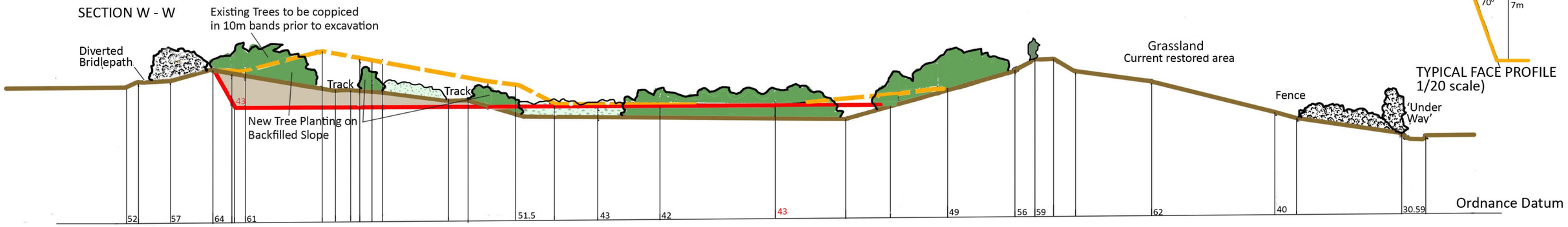
Drawing No	Rev.	Date
1036/PL15	A	18th November 2015

Appendix 2 – Zig Zag Quarry Restoration Cross-section Drawing

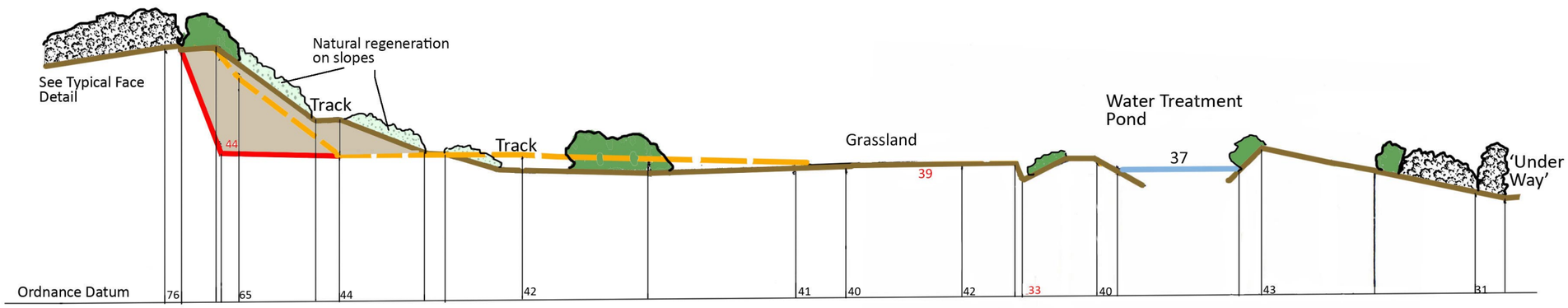
Restoration Cross Section (Drawing No. 1036/PL16)



SECTION W - W



SECTION X - X



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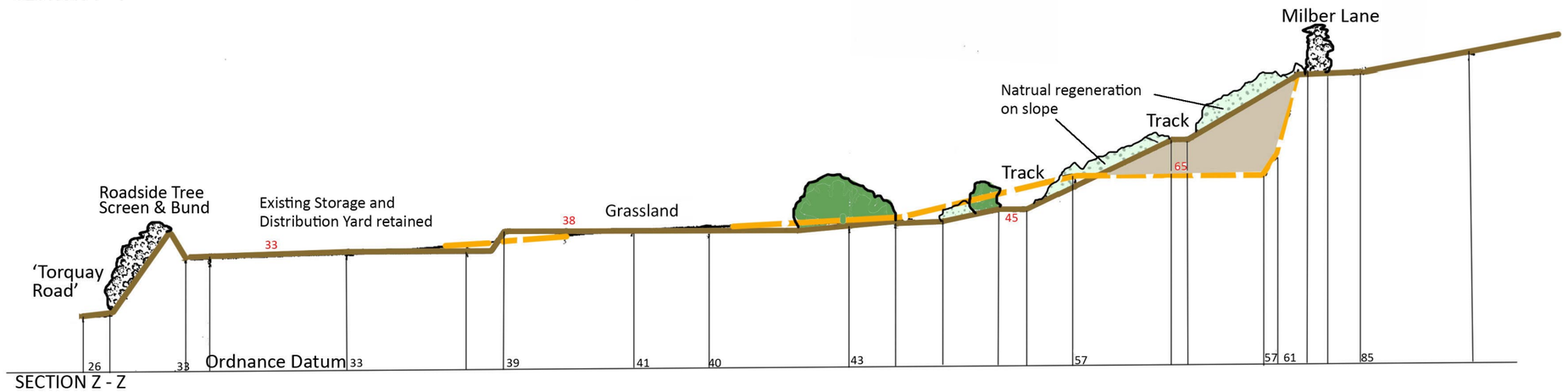

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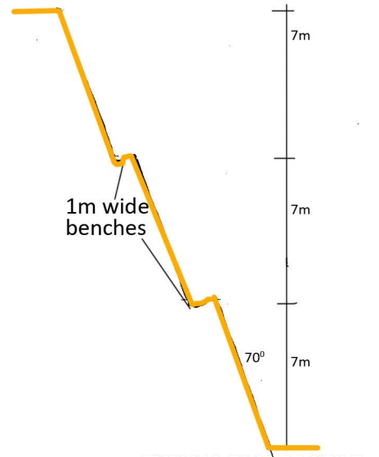

KEY

- Current ground level
- Existing Vegetation
- Proposed Base of Excavations
- 40 Existing Levels
- 43 Proposed Levels
- Proposed Restoration Level
- Fill
- Proposed Tree Planting
- New Hedgerow
- Natural Regeneration (controlled)

A Revised 12th July 2016 following meeting with Devon Planners

See Drawing Nos. 1036/PL4, 14A & 15A for location of Sections

HARLEYFORD AGGREGATES LIMITED

ZIG ZAG QUARRY, ALLER, NEWTON ABBOT , DEVON

PROPOSED QUARRY EXTENSION

LANDSCAPE & VISUAL IMPACT ASSESSMENT

RICHARD PAYNE. CMLI
Chartered Landscape Architect
20 Were Close, Warminster, Wiltshire, BA12 8TB

1/1,500 Scale Cross Sections at A3

Drawing No.1036/PL16	Rev. A	Date 18th November 2015

Appendix 3 – Zig Zag Quarry Phased Working Scheme

Phased Restoration Scheme (Drawing No. 1036/PL14)

ROYAL ALLER VALE QUARRY

Aller Orchard Wood

Aller Brake

Oak Park

Milber Down

Haccombe Farm House

Milber Lane

Foot of existing face

Top of existing face

Approx. 43m base of excavations

Direction of Working/Restoration

Phased Restoration in progress using spoil from existing spoil heaps

Existing Storage and Distribution Yard

Plant

Moor Park Road

Torquay Road

Westcombe Park

Under Way

X

Y

Z

W

3

3A/4

2

1

N

100m

A revised 12/7/2016 following meeting with Devon Planners

KEY

- Existing Vegetation/Woodland
- Existing Ponds/Lakes
- Existing Scrub
- Existing Public Footpaths
- Spot Levels
- For Cross Sections see Drawing No.1036 / PL16 A
- Quarry Faces
- Banks
- Route of Existing Footpath
- New Footpath
- Existing Restored Area
- Progressive Working & Restoration
- Working in Extension Area
- Direction of Working
- Base of excavation level
- Working/Restoration Phases

HARLEYFORD AGGREGATES LIMITED

ZIG ZAG QUARRY, ALLER, NEWTON ABBOT , DEVON

PROPOSED QUARRY EXTENSION

LANDSCAPE & VISUAL IMPACT ASSESSMENT

RICHARD PAYNE. CMLI
Chartered Landscape Architect
20 Were Close, Warminster, Wiltshire, BA12 8TB

1/2,000 scale PHASED WORKING SCHEME at A3

Drawing No.	Rev.	Date
1036/PL14	A	18th November 2015

Appendix 4 – Biodiversity Method Statement

Teignbridge District Council
Application No. : 16/01477/DCC
(Please quote this reference in correspondence)

DCC/3841/2016

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

Town and Country Planning (Development Management Procedure) (England) Order 2015: Article 27

DETERMINATION OF CONDITIONS

To: **Mr Richard Agnew, RJA Planning Services, 17 Tarbet Avenue, Exeter, Devon, EX1 2UE**

Agent for: **Harleyford Aggregates Ltd, Harleyford Estate, Henley Road, Marlow, Buckinghamshire, SL7 2DX**

The Devon County Council hereby grants approval to carry out the development described in the application for determination of conditions, revised final version received on **the on 5th April 2017**, and the plans and drawings attached thereto entitled: '**Biodiversity Method Statement – Mineral works restoration at Zig Zag Quarry, Newton Abbot, Devon : FINAL (Revised V2) April 2017'**

brief particulars of which are as follows:

Submission in respect of Conditions 5 attached to planning permission 16/01477/DCC for Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel. Revised progressive restoration requiring the importation of 285,000 tonnes of inert waste material over a 5 year period. Diversion of a bridleway with the construction of a new permanent route at Harleyford Aggregates Ltd, Zig Zag Quarry, Aller Brake Road, Newton Abbot, TQ12 5FN.

Hayley Stokes
on behalf of the Head of Planning, Transportation and Environment

Date: 22nd May 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.

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.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

- 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.

Conditions

Condition 5 (LEMP)

Mineral operations at the site shall be carried out in accordance with the attached LEMP entitled ‘Biodiversity Method Statement – Mineral works restoration at Zig Zag Quarry, Newton Abbot, Devon : FINAL (Revised V2) April 2017’

EPSecology ltd
18 Lucas Avenue, Exeter, Devon, EX4 6LZ
[redacted]

Biodiversity Method Statement

Mineral works restoration at Zig Zag Quarry Newton Abbot, Devon

Document Version: FINAL (Revised V2)

April 2017

Prepared on behalf of

Harleyford Aggregates Ltd

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1.0 INTRODUCTION

1.1 Background

EPS Ecology Ltd was commissioned by Harleyford Aggregates Ltd to produce a Biodiversity Method Statement (BMS) in relation to the restoration of the mineral works at Zig Zag Quarry, Aller brake Road, Newton Abbot, Devon. The format used for this BMS follows standard guidance in Section D.2.1 of British Standard (BS) 42020:2013, 'Biodiversity – code of practice for planning and development'.

It should be noted that planning condition 5 (Landscaping/Trees/Ecology) of the approved works (Teignbridge District Council Application No. 16/01477/DCC and Devon County Council Ref. DCC/3841/2016), dated 19th October 2016, asks for a 'Landscape Environmental Management Plan' (LEMP) to be submitted to and approved by the Mineral Planning Authority. The format of a BMS is, however, more appropriate to providing the information requested under this planning condition (details in Section 1.2 below), and is line with the required format of presenting such information as recommended in BS 42020:2013.

1.2 Purpose and objectives of the proposed works

Various works have been approved by TDC/DCC, including minerals extraction and (upon the completion of works) the removal of buildings/structures/plant/machinery, followed by restoration and aftercare. All of these works have been subject to approval by the TDC and DCC.

In relation to the approved works the following planning conditions (5, 6 & 7) are covered in this BMS document:

"Condition 5

Within three months of the date of this permission, and prior to any of the operations listed below taking place, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved by the Mineral Planning Authority.

This shall include details of the following:

- the location and height of stockpiles of inert waste;
- grassland and tree management in line with BS3998 (including details of pruning/coppicing);
- vegetation & tree removal, (timing and the location of this, to ensure minimal harm to Bats, Birds, Reptiles, Amphibians and Dormice occurs);
- hedgerow management and ongoing aftercare;
- replacement planting (including soil preparation, planting method, spacing, seed types, plant species, stock size, means of protection/ support, timing of planting);and proposed maintenance;
- soil management; (Including timings for removal; depth and method of spreading of subsoils and topsoil, their cultivation and fertilisation) in accordance with Mineral Practice Guidance;
- ongoing maintenance of fencing;

This shall be updated, and approved by the MPA, prior to the commencement of each new phase of working. The updated LEMP shall include a record of management operations undertaken in the previous phase, and identify operations planned for the forthcoming phase.

Mineral Operations, planting and land management works shall be carried out in accordance with the approved LEMP.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted Mineral Local Plan policy: - MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact)".

"Condition 6
No development shall take place, including preliminary groundworks, until a Tree Protection Scheme, in relation to protected trees identified on 'Retained Vegetation Plan' numbered 1036/50, has been submitted to and approved in writing by the Mineral Planning Authority. This tree protection scheme shall accord with BS5837 (2012).

REASON: To ensure that retained trees are protected from damage in the interests of amenity and wildlife conservation and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy (M17 Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact)".

"Condition 7
A minimum 10 m strip of woodland/trees shall be retained, or where necessary planted, between the diverted Public Right of Way and the quarry edge.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted Mineral Local Plan policy: - MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact)".

All of the site management measures required to discharge these conditions (detailed in the sections that follow) will be overseen by an appointed Ecological Clerk of Works (ECoW) or similarly qualified ecologist.

2.0 PLANNING CONDITION 5

2.1 Location and height of stockpiles of inert waste

Inert waste will be temporarily stockpiled for later use in the on-going restoration of the mineral works. The location of the stockpile area is shown in Fig.1 below (superimposed over plan of final restoration proposals). This location is well away from the root or crown spread of any

trees and is not adjacent to any ditches, watercourses or existing/future excavations. It is a location that will remain undisturbed by any future site operations.

Fig.1 – showing stockpile location (in orange)

In line with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA, September 2009) no stockpile will be any greater than 6m in height.

2.2 Grassland and tree management in line with BS3998

Grassland management is not covered by BS3998 (which only applies to trees/shrubs).

2.2.1 Grassland management objectives

New grassland habitat will be established on site. This will be managed to create grassland that is relatively species-rich, but also easy to manage in the long-term; thus ensuring continuation of this habitat type on site in perpetuity.

2.2.2 Grassland establishment

General measures to ensure the adequate establishment and management of new grassland habitat are as follows (adapted from advice from Emorsgate Seeds website). For all new grassland areas:

- Cultivate the soil to sufficient depth to alleviate compaction, then rake or harrow and roll to produce a fairly fine, firm surface.
- The finished seedbed should be firm enough to walk on without leaving impressions. As the area will be mown at a later stage the finished surface should be free of obstructions such as large stones or bricks, and free of deep ruts or ridges.
- August-September and March-April usually produce the best conditions for sowing outside in most parts of the UK. May to July sowings also work well in wetter western regions. Late autumn sowings should be avoided on sites prone to water-logging in winter and late spring and summer sowings should be avoided on droughty sites.
- Recommended sowing rates for wild seed mixtures are much lower than conventional lawn and amenity grass rates (2-4g/m2 compared with 25-50g/m2). This is deliberate, as rather than aiming for rapid ground cover to suppress all weeds, wild seeding aims to allow an extended period of establishment with room for both fast growing grasses and slower germinating flower seeds.
- Use 'EM2 – Standard general purpose meadow mixture' (or similar).

2.2.3 Grassland management

First year management

Meadow mixtures are composed mainly of perennial grass and wild flower species which take at least a full year to establish from sowing. Do not expect plants to develop enough to flower in their first summer.

Mow regularly throughout the first year of establishment; this will help maintain balance between faster growing grasses and slower developing wild flowers. Quick growing meadow components will tolerate cutting and may even benefit from this 'pruning,' pushing them to develop more robust compact plants. Mowing to remove surplus top growth will give smaller slower growing plants more light and space to grow into.

In the first summer meadow mixtures sown on to bare soil are frequently dominated by a flush of annual weeds which come from the soil. Regular mowing will remove annual weed competition and prevent them seeding.

Mow to a height of 40-60mm. Ideally collect and remove arisings to avoid leaving behind a damaging mulch of decomposing cut grass. If you can mow frequently enough it may be possible to disperse the cuttings without leaving a mulch. The number and timing of cuts will depend on site productivity, weather, manpower and equipment available. Mowing can start as soon as there is enough growth of either weeds or sown species to take a cut.

Management of established grassland

The second year from sowing is the first in which a sown meadow is left uncut to flower, and a first "hay crop" taken in mid-summer. The early years of a sown meadow (years 2/3 from sowing) are characterised by the more quickly establishing pioneer perennials (e.g. oxeye daisy and sorrel) and the growth is vigorous. In following years the meadow will become more diverse as slower establishing species appear and growth is less vigorous as nutrients become fixed in root systems and herbage.

The character and composition of the meadow will continue to change with time. Eventually a relatively stable community will develop, the balance of which will reflect management, soil fertility and the natural environment of the site. In this way the outcome of each sowing will in practice differ, and will not be a direct reflection of the species balance in the sown mixture.

Grassland management actions

In relation to the requirements for the establishment and maintenance of new grassland habitat (detailed above) the following management actions will be adopted on site (Table 1):

Year of management	Required action
Year 1	Cultivate and establish seed bed, followed by sowing in March – April.
Year 1	'Light mowing' of new growth during suitable weather conditions, once each in June, August and October. Mow to a height of 40-60mm and collect and remove arisings.
Year 2	Sward cut once, this in late July and only following flowering. Mow to a height of 40-60mm and collect and remove arisings.
Year 3 onwards	Ensure establishment and continuation of a 'hay meadow' management regime. Grassland cut once in late July and only following flowering. Mow to a height of 40-60mm and collect and remove arisings.

Table 1

2.2.4 Tree management

Specific measures for the management of a discreet group of trees along the north-eastern site boundary have been detailed by A.M. Lane Ltd (in a letter dated 21st February 2017).

Apart from these trees, there is no long-term requirement for the management of any retained/planted trees on site (other than might be essential for meeting H&S requirements); as the main management objective for all trees and shrubs will be to allow the 'natural' development of shape and structure over time without any need for coppicing, pruning etc. However, some thinning of planted trees may be required during their establishment phase, as detailed in Section 2.5.

Any new planting and immediate aftercare will be undertaken to industry standards (i.e. as recommended in BS 8545:2014 'Trees: from nursery to independence in the landscape') – also see Section 2.5 of this BMS.

2.3 Vegetation & tree removal

The areas of woodland and trees to be removed are shown in Fig.2 below (copy of 'Retained Vegetation Plan', drawing no. 1036/50). Loss of woodland will be as a direct result of mineral

extraction (shaded grey in Fig.2) and by the provision of a replacement footpath/bridleway through land to the north (Royal Aller Vale site, shaded blue in Fig.2).

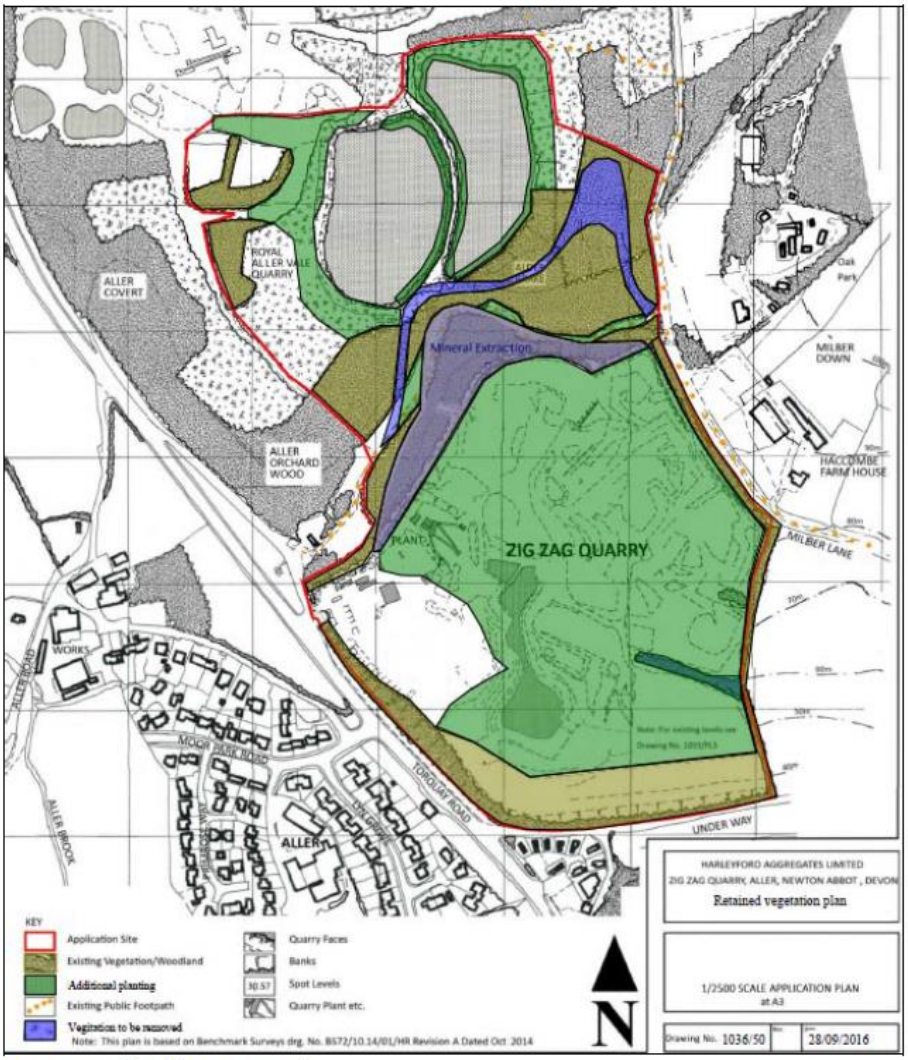


Fig.2 – woodland/tree removal

The woodland habitats to be affected are as follows.

- Broadleaved semi-natural woodland. The woodland community is species-poor and characteristic of acidic soils, the high occurrence of even-aged silver birch suggesting this community has become established on previously disturbed soils. In addition to birch the canopy layer is dominated by sycamore, with occasional, oak and beech. The shrub layer is very sparse with occasional hazel, holly and willow. The field layer is in many places dominated by dense growth of brambles and some bracken. Where it is

subject to more shade only bluebell and ivy are commonly found, though occasional plants of red campion, honeysuckle and foetid iris are scattered throughout.

- 'Veteran trees'. The only exception to the above description is the presence of three larger (and older) pedunculated oak trees – the approximate positions being shown by yellow circles in Fig.4 above. As described on the Forest Research web site, the term veteran tree is not precisely defined ..."as various criteria may determine the veteran status of an individual tree when compared to others. For example, a tree may be regarded as a veteran due to great age; great age relative to others of the same species, existing in an ancient stage of life or due to its biological, aesthetic or cultural interest. Size alone is a poor indicator of veteran status, as different species may have different rates of growth or natural life spans." These three trees therefore only meet the definition of 'veteran' as they are significantly older than other trees in this habitat; they have not been coppiced or pollarded and do not appear to have any special aesthetic or cultural value. The crowns of all three trees have been 'reduced' in recent years, this most likely being required to ensure the safety of the public using the adjacent footpath/bridleway. None of these trees are thought to be used by bats for roosting.
- Species-poor scrub. This community is very species-poor, with only gorse, bramble, willow and Buddleja recorded. No mature trees are present within this habitat.
- Planted mixed woodland. Scots pine, willow, gorse, silver birch, Buddleja, cherry, ash, hazel and hawthorn all being recorded. Ground flora is very sparse and species-poor throughout. None have features that might be used by bats for roosting.

Removal of all woodland and trees within the area shown in Fig.2 is due to be completed by the end of February 2017, and no later than the end of March 2017. If this work is undertaken between the 1st and 31st March 2017 a competent ecologist will undertake a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared.

No dormice, reptiles or amphibians will be affected by these works (previous survey work by EPS Ecology did not find any evidence of these species within the area of land subject to planning approval).

2.4 Hedgerow management and ongoing aftercare

All retained hedgerows will be managed in a manner appropriate to their current condition/dimensions. The ECoW will draw up a site plan showing current condition/dimensions and provide details of management for each section; this based upon criteria in 'The Hedgerow Management Cycle' by Hedgelink UK (available at http://www.hedgelink.org.uk/cms/cms_content/files/78_hedgelink_a5_12pp_leaflet_7.pdf).

The main objective of hedgerow management in the long term is to allow the laying of all hedgerows (when of sufficient height/width). On-going aftercare will therefore need to be somewhat flexible but will be under the supervision of the ECoW.

2.5 Replacement planting and proposed maintenance

All areas of new native tree/shrub planting are shown on the agreed site restoration plan.

All stock to be planted and maintained to standards provided in BS 8545:2014 'Trees: from nursery to independence in the landscape'. The ECoW will ensure these standards are followed and provide advice to contractors as and when needed.

2.5.1 Planting

Specific measures for the planting of some new trees/shrubs have been detailed by A.M. Lane Ltd (in a letter dated 21st February 2017). In addition to these measures the following regime will be adopted for all tree/shrub planting on site.

1. Trees to be planted in uncompacted ground. Soils for planting to therefore be protected from vehicle movements, storage of materials, stockpiling of soils etc.
2. Topsoil used for trees and shrubs shall be fertile and capable of sustaining plant growth. Wherever possible it shall have uniform composition, be free from large stones, wood and other foreign objects and shall not contain substances toxic to plant growth.
3. Only locally native species of UK provenance (and those found within local woodland and scrub habitats) to be used - hawthorn, pedunculated oak, common alder, wild cherry, sweet chestnut, rowan, silver birch, field maple, alder buckthorn, holly, dog rose, spindle, elder, osier and hazel are all suitable.
4. 80cm bare-rooted whips to be used for all planting.
5. Trees to be planted between 1st October and 31st March inclusive.

A.M. Lane has provided guidance on the layout of planting to be used. This has been modified to enhance the new planting for biodiversity, as follows:

1. Random block planting of oak, alder and silver birch, with an understorey planting of the remaining species. Smaller groups of up to 30-50 trees excluding understorey could also be used.
2. Oak to be planted at 5 & 10m spacing and inter-planted with alder and silver birch at 3-5m spacing.
3. Understorey tree/shrub planting to be used around the margins of the oak/birch/alder trees, planted as groups of 3 or 4 trees.

2.5.2 Maintenance and aftercare

It is proposed to use 1.2m high Tubex round tree shelters, secured with a wooden tanalised stake to protect the oak, alder and silver birch against both rabbit and deer damage.

The tree planted areas will be maintained for a period of five years to achieve successful establishment. Each year will require two maintenance visits during the growing season. The first visit would be May and again in July to spray 1m circle of herbicide ('Round-up') around the base of each tree to keep weed free. All tree stakes to be checked and any broken to be replaced. This regime to be reviewed at the end of 3yrs and its continuation dependent upon the progress of the trees. Also during first year of maintenance only, a visit should be made to remove any grasses growing from the tops of the tree shelters.

At the end of the each growing season during the aftercare period, all plant failures to be replaced to achieve 100% stocking.

Tree guards will be removed once the trees have successfully established. This will be an on-going process, dependent upon the varying rates of establishment of the different tree species, but is likely to start at the end of the five year maintenance period. Removal will continue until such time that all trees are considered to be established.

In years 4, 5 and 6 following planting, some thinning of understory trees/shrubs may be required to favour the oak, alder and birch trees. Timing and detailed requirements for this work will be agreed by the EcOW at the time.

2.6 Soil management

In line with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites' (DEFRA, September 2009) soil will be managed as follows.

Soil will be stored in an area of the site where it can be left undisturbed and will not interfere with site operations (see Fig.1). Ground to be used for storing the topsoil should be cleared of vegetation and any waste.

Method 1 – Dry non-plastic soils

The soil is loose-tipped in heaps from a dump truck, starting at the furthest point in the storage area and working back toward the access point. When the entire storage area has been filled with heaps, a tracked machine (excavator or dozer) levels them and firms the surface in order for a second layer of heaps to be tipped. This sequence is repeated until the stockpile reaches its planned height (max. 6m). To help shed rainwater and prevent ponding and infiltration a tracked machine compacts and re-grades the sides and top of the stockpile to form a smooth gradient.

Method 2 – Wet plastic soils

The soil is tipped in a line of heaps to form a 'windrow', starting at the furthest point in the storage area and working back toward the access point. Any additional windrows are spaced sufficiently apart to allow tracked plant to gain access between them so that the soil can be heaped up to a maximum height of 2m. To avoid compaction, no machinery, even tracked plant, traverses the windrow. Once the soil has dried out and is non-plastic in consistency (this usually requires several weeks of dry and windy or warm weather), the windrows are combined to form larger stockpiles, using a tracked excavator. The surface of the stockpile is then regraded and compacted by a tracked machine (dozer or excavator) to reduce rainwater infiltration.

Stockpiles should not be positioned within the root or crown spread of trees, or adjacent to ditches, watercourses or existing or future excavations. Soil will have a natural angle of repose of up to 40° depending on texture and moisture content but, if stable stockpiles are to be formed, slope angles will normally need to be less than that.

Once the stockpile has been completed the area should be cordoned off with secure fencing to prevent any disturbance or contamination by other construction activities. If the soil is to be stockpiled for more than six months, the surface of the stockpiles should be seeded with a grass/clover mix to minimise soil erosion and to help reduce infestation by nuisance weeds that might spread seed onto adjacent land.

Management of weeds that do appear should be undertaken during the summer months, either by spraying to kill them or by mowing or strimming to prevent their seeds being shed.

2.7 Ongoing maintenance of fencing

In line with Quarry Regulations, all site fencing will be inspected every working day. Should any damage etc. to fencing be identified this will be rectified as soon as possible afterwards.

3.0 PLANNING CONDITION 6

3.1 Tree protection scheme

For all areas where existing trees are found, as well as any areas that are planted during restoration phases of the work, as well as retained hedgerows, the following tree protection measures will be adopted (taken from BS5837: 2012):

- The ECoW will draw up a detailed 'tree protection plan', this to be superimposed on an existing site plan.
- This plan to show the 'root protection area' (RPA) of all trees, as well as the precise location of protective barriers to be erected to form a construction exclusion zone around the retained trees/hedges. It should also show the extent and type of ground protection, and any additional physical measures, such as tree protection boxes, that will need to be installed to safeguard vulnerable sections of trees and their RPAs where construction activity cannot be fully or permanently excluded.
- These measures should be indicated on the plan, accompanied by descriptive text as required. Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.
- Where temporary access is to be permitted into a construction exclusion zone, the extent of the set-back of the permanent barrier should be clearly indicated, along with the temporary ground protection measures to be adopted for the duration of the works within the RPA.
- These details should be incorporated into relevant subsequent plans, method statements used for design purposes and construction drawings issued for use on site, to ensure that all interested parties are fully aware of the areas in which access and works may and may not take place.

4.0 PLANNING CONDITION 7

4.1 Retention of woodland/trees

Reference to the Restoration Plan for the approved works shows that a strip of trees/shrubs will be retained/planted between the diverted Public Right of Way and the quarry edge (also shown in Fig.2, page 7 of this BMS).

5.0 TIMELEINE OF MANAGEMENT ACTIONS

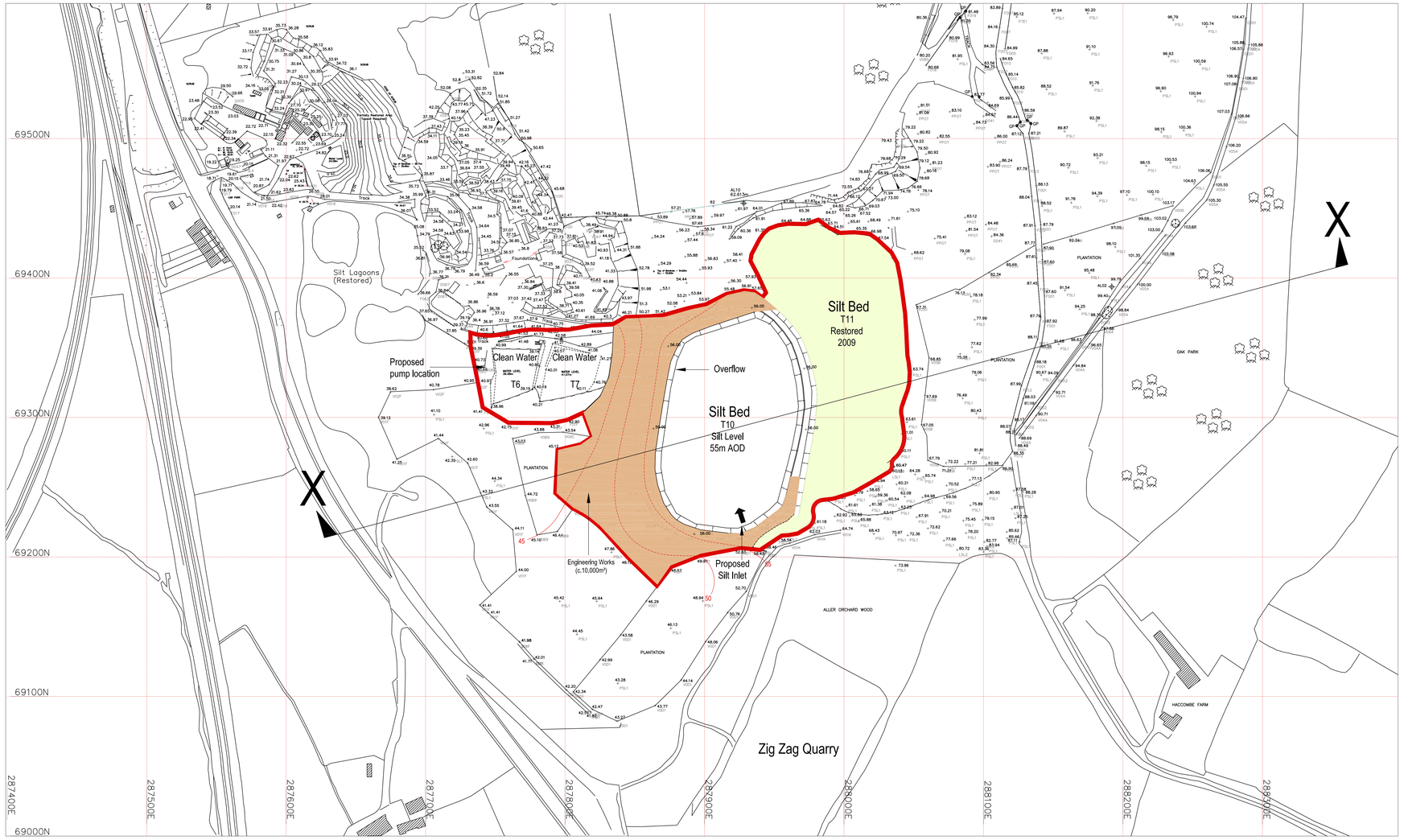
All of the management actions detailed in this BMS will be undertaken at the following times (Table 2).

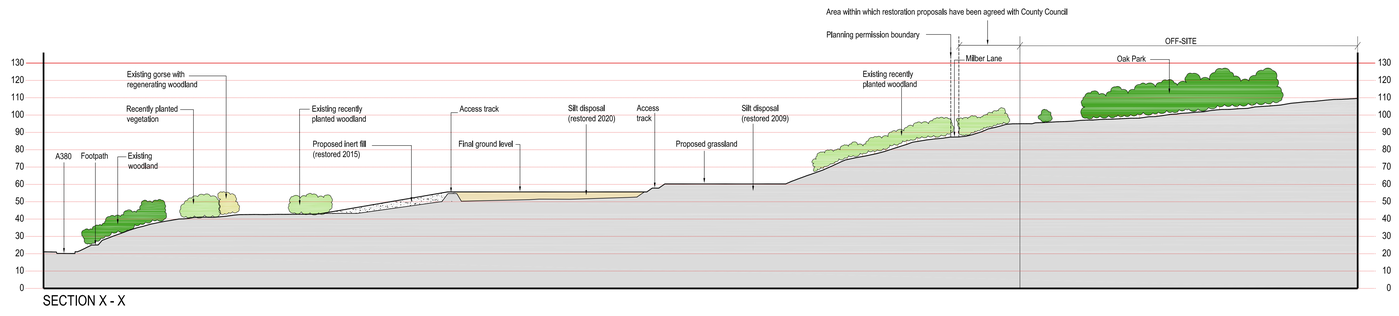
Action required	Estimated start	Estimated completion
Appropriate stockpiling of soils (Section 2.1)	TBA	
Grassland establishment (Section 2.2.2)	August to September 2017	April 2018
Grassland 1st year management regime (Section 2.2.3)	2018	2019
Grassland on-going management regime (Section 2.2.3)	2019	Ongoing
Tree removal (Section 2.3)		March 2017
Hedgerow management (Section 2.4)	2017	Ongoing
New tree/shrub planting (Section 2.5.1)	October 2018	March 2019
Tree maintenance and aftercare (Section 2.5.2)	2019	Ongoing
Soil management (Section 2.6)		
Maintenance of fencing (Section 2.7)	Ongoing	Ongoing
Adoption of tree protection measures (Section 3.1)	2017	Ongoing

Table 2

Appendix 5 – Aller Vale Quarry Silt Pond Restoration Scheme

Restoration Scheme (Drawing no. A036e/58)





SECTION X - X

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ALL LEVELS IN METRES ABOVE ORDNANCE DATUM

Hanson

Hanson Aggregates

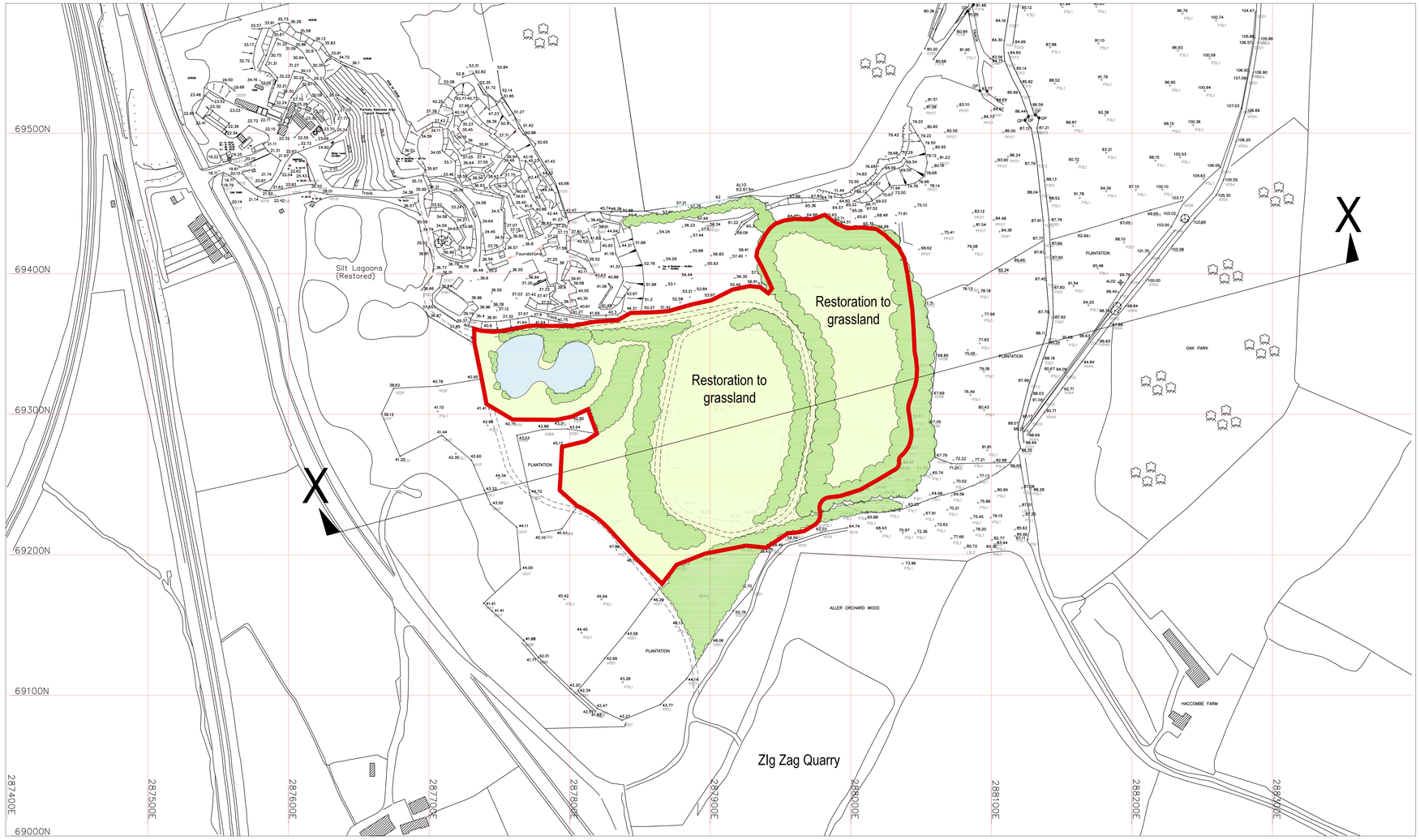
Site: ROYAL ALLERVALE

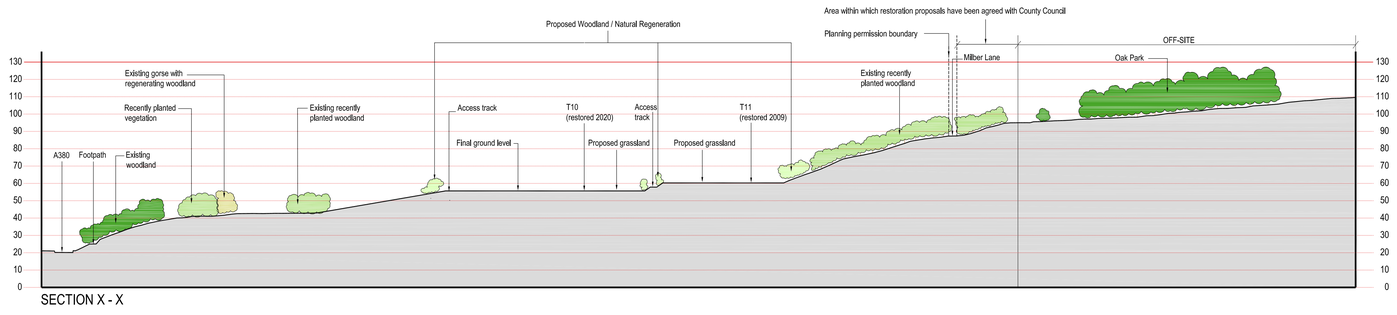
Title: Proposed Topography
Continuation of Use of Silt Lagoon
in Conjunction with Adjacent Quarry

Scale	Date	Drawing No.
1:1250	10/06	A036e/58
Drawn by: msp	Checked by: JS	

Appendix 6 – Aller Vale Quarry Final Restoration Topography Restoration Scheme

Final Restoration Topography Restoration Scheme (Drawing no. A036e/59)





SECTION X - X

Area of Application

Grass

Existing & proposed woodland/natural regeneration

Shallow water/marsh/ seasonal pond

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ALL LEVELS IN METRES ABOVE ORDNANCE DATUM

Hanson

Hanson Aggregates

Site: ROYAL ALLERVALE

Title: Restored Topography
Continuation of Use of Silt Lagoon
in Conjunction with Adjacent Quarry

Scale	1:1250	Date	10/06	Drawing No.
Drawn by	msp	Checked by	JS	A036e/59

Appendix 7 – Planning Decision Notice (DCC/3841/2016)

Devon County Council

Teignbridge District Council
Application Number: 16/01477/DCC
Devon County Council Ref. DCC/3841/2016
(Please quote these references in correspondence)

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 Richard Agnew, RJA Planning Services, 17 Tarbet Avenue, Exeter, Devon, EX1 2UE**

Agent for: **Harleyford Aggregates Ltd, Harleyford Estate, Henley Road, Marlow, Buckinghamshire, SL7 2DX**

Devon County Council hereby grants planning permission to carry out the development described in the application received on **18 May 2016**, and the plans and drawings attached thereto numbered: 1036/PL4.1; 1036/PL14/A; 1036/PL15/A; 1036/PL16/A; FRA Addendum V1 08.08.16; 446-FRA3B; 446-FRA4; BS72/06.16/01/DW/A; 'Site Entrance Intercept/Rev A'; 1036/50

brief particulars of which are as follows:

Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel. Revised progressive restoration requiring the importation of 285,000 tonnes of inert waste material over a 5 year period. Diversion of a bridleway with the construction of a new permanent route at Harleyford Aggregates Ltd, Zig Zag Quarry, Aller Brake Road, Newton Abbot, TQ12 5FN

subject to the conditions set out in the attached sheets

Jan Shadbolt - County Solicitor

Date: 19th October 2016

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.

DN May 2005

Continued overleaf

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.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*

- 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 - Teignbridge District Council Application No. 16/01477/DCC
Devon County Council Ref. DCC/3841/2016

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of commencement.

   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. Extraction of minerals shall cease within 10 years of commencement of the development, all buildings/ structures/ plant and machinery used in connection with mineral operations shall be removed at this time, and restoration and aftercare shall be completed in accordance with conditions 3, 21 & 22 within 15 years of the date of commencement.

   REASON: To minimise the duration of disturbance from the development and to comply with policies of the Development Plan: in particular policy M56 (Restoration) Adopted Mineral Local Plan and M27 (Restoration and Aftercare) of the emerging plan.

3. The development shall be carried out in strict accordance with the details shown on the Approved Plans/Drawings and Documents numbered or entitled 1036/PL4.1; 1036/PL14/A; 1036/PL15/A; 1036/PL16/A; FRA Addendum V1 08.08.16; 446-FRA3B; 446-FRA4; BS72/06.16/01/DW/A; 'Site Entrance Intercept/Rev A'; 1036/50; unless varied by the conditions below.

   REASON: To ensure that the development is carried out in strict accordance with the approved details development and to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations).

4. The developer shall notify the Mineral Planning Authority in writing within 14 days of the date of the following;

   a) Commencement of each new phase of working (in accordance with approved plans above),
   b) Completion of each working phase,
   c) Completion of winning and working at the site,
   d) Completion of restoration of the planning permission area,
   e) Start of the aftercare period
   f) Completion of the aftercare period.

   REASON: In order that the Mineral Planning Authority can adequately monitor the development and to comply with policies of the Development Plan: in particular policies adopted Mineral policy: - MP11 (Environmentally Sensitive Sites not having a Statutory Designation); SP21 (Flooding); MP45 (Water Resource Protection) and emerging policy MP18 (Landscape and Visual Impact); M24 (Flooding); M27 (Restoration and Aftercare).

CONDITIONS (PRE-COMMENCEMENT)

LANDSCAPING/TREES/ECOLOGY

5. Within three months of the date of this permission, and prior to any of the operations listed below taking place, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved by the Mineral Planning Authority.

This shall include details of the following:-

a) the location and height of stockpiles of inert waste;
b) grassland and tree management in line with BS3998 (including details of pruning/coppicing);
c) vegetation & tree removal, (timing and the location of this), (to ensure minimal harm to Bats, Birds, Reptiles, Amphibians and Dormice occurs);
d) hedgerow management and ongoing aftercare;
e) replacement planting (including soil preparation, planting method, spacing, seed types, plant species, stock size, means of protection/ support, timing of planting);and proposed maintenance;
f) Soil management; (Including timings for removal; depth and method of spreading of subsoils and topsoil, their cultivation and fertilisation) in accordance with Mineral Practice Guidance;
g) ongoing maintenance of fencing;

This shall be updated, and approved by the MPA, prior to the commencement of each new phase of working. The updated LEMP shall include a record of management operations undertaken in the previous phase, and identify operations planned for the forthcoming phase.

Mineral Operations, planting and land management works shall be carried out in accordance with the approved LEMP.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted Mineral Local Plan policy: - MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact).

6. No development shall take place, including preliminary groundworks, until a Tree Protection Scheme, in relation to protected trees identified on 'Retained Vegetation Plan' numbered 1036/50 has been submitted to and approved in writing by the Mineral Planning Authority. This tree protection scheme shall accord with BS5837 (2012).

REASON: To ensure that retained trees are protected from damage in the interests of amenity and wildlife conservation and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy (M17 Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact).

7. A minimum 10 m strip of woodland/trees shall be retained, or where necessary planted, between the diverted Public Right of Way and the quarry edge.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted Mineral Local Plan policy: - MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact).

NOISE

8. Within three months of the date of this permission, a scheme to monitor noise levels from the site shall be submitted to and approved by the Mineral Planning Authority. The scheme shall provide for:

a) Attended measurements by a competent person of Laeq 5 minute noise levels over 2 hour periods at monitoring locations and frequencies agreed with the Mineral Planning Authority;

b) Details of equipment to be used for monitoring;

c) Monitoring during typical working hours with a main items of plan and machinery in normal operation under normal loading conditions;

d) The logging of all weather conditions, wind speed and direction and both on-site and off-site events occurring during measurements including "phased out" extraneous noise events;

e) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement together with a summary specifying whether the site is operating within the maximum permitted levels, or where noise output exceeds permitted levels details of this contravention;

f) Methods and timescales for reducing noise output from the site if the findings of the noise monitoring identify contravention of the maximum permitted levels.

The operator shall keep records of any complaints received regarding noise at the site and shall notify the Mineral Planning Authority of any such complaints with 7 working days.

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies: - MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

DRAINAGE

9. Within one month of the date of this permission, further details including phasing of the proposed surface water drainage, shall be submitted to and agreed with the Mineral Planning Authority. This detailed surface water drainage proposals will be in accordance with the principles of sustainable drainage systems, and those set out in the Level 2 Flood Risk Assessment & Surface Water Drainage Proposals (Report Ref. 446/FRA2, Rev. V2, dated 19/04/2016) and Addendum to Flood Risk Assessment dated 19th April 2016 (Report Ref. 446, dated 08/08/2016).

REASON: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems. In accordance with policies MP41 (Development Control Considerations); W19 (Flooding) & emerging mineral policy M24 (Flooding).

PROW

10. The diversion of the Public Right of Way (Kingskerswell Bridleway 18) shall be constructed and open for use prior to the commencement of any groundworks associated with the extension to the quarry taking place.

REASON: To ensure the implementation of the Public Right of Way diversion in the interests of the users of the Public Right of Way in accordance with Policy MP49 (Rights of

Way) of the adopted Devon Minerals Local Plan and Policy M22 (Transportation and Access) of the emerging Devon Minerals Plan (Modifications Version – August 2016).

HIGHWAYS

11. Within one month of the date of this permission, signage details: - including wording; size and location of the any sign/s proposed at the entrance to the quarry, shall be submitted to, and agree in writing by the Mineral Planning Authority.

The agreed signage shall be installed upon agreement, and retained for the duration of the permission.

REASON: In in the interest of highway safety and to protect living conditions of nearby residents to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations); MP43 (Transportation of Minerals); M23 (Quality of Life) and W18 (Quality of Life).

CONDITIONS (OPERATIONAL)

LIGHTING

12. There shall be no light spill from lighting used within the quarry into areas identified as protected by the Tree Protection Plan 1036/50.

REASON: To limit impacts upon protected species, particularly bats, and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy (August 2015) (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact).

HOURS OF OPERATION

13. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority within five days):

No operations, other than water pumping, environmental monitoring, servicing and maintenance of plant shall be carried out at the site except between the following times:

0700 hours to 1800 Mondays to Fridays,
0700 hours to 1300 Saturdays,
At no time on Sundays and Public Holidays.

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 MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); W18 (Quality of Life) and emerging Mineral Policies (M17 Biodiversity & Geodiversity); & M23 (Quality of Life).

DUST

14. Mineral and Waste operations at the site shall be carried out in accordance with the Dust Management Measures, Procedures on Recording, Responsibilities and Monitoring as set out in the 'Dust Management Plan' dated July 2016 ' (Air Quality Consultants).

REASON: To protect the amenities of the local environment and communities from the effects of dust arising from the development and to comply with policies of the Development

Plan: in particular policies MP41 (Development Control Considerations); W18 (Quality of Life) and emerging Mineral Policy M23 (Quality of Life).

NOISE

15. All vehicles, plant and machinery operated within the mineral site shall be maintained in accordance with the manufacturer's specifications at all times and shall be fitted with and use effective silencers.

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies: - MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

16. The noise emissions from mineral extraction and restoration operation activities on site shall not exceed the following limits when measured in a free field location at the nearest noise sensitive premises;

Between the hours of 0700 to 1800 Monday to Friday, &
0700 to 1300 on Saturdays= 55db LAeq, 1h

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies: - MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

DRAINAGE

17. Within one month of cessation of mineral working, the pipelines between the settlement ponds in Royal Aller/Colesville Quarry and Zig Zag Quarry, and associated above ground plant and equipment, shall be removed and land reinstated.

REASON: To minimise the effect of the development on the landscape groundwater resources and to comply with policies of the Development Plan: in particular policies MP 41 (Development Control Considerations); and W19 (Flooding) and emerging mineral policy M24 (Flooding).

18. No winning and working of minerals shall take place below the water table

REASON: To minimise the effect of the development on the groundwater resources and to comply with policies of the Development Plan: in particular policies MP 41 (Development Control Considerations); and W19 (Flooding) and emerging policy M24 (Flooding).

WASTE AND MINERAL RESTRICTIONS

19. A maximum of 70,000 tonnes of *inert waste and sand & gravel material, shall be imported into the site (in the case of waste material) or exported from the site (in the case of aggregate extracted at the site) during any one calendar year.

REASON: To ensure the impacts from the development on the highway are acceptable. In accordance with mineral policies MP41 (Development Control Considerations) & MP43 (Transportation of Minerals) and waste policies WPP32 (Recycling of Wastes) & WPP17 (Water Resources Protection).

**Inert waste is not chemically or biologically reactive and will not decompose.

RESTORATION AND AFTERCARE

20. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the development shown on Approved Plan 1036/PL14/A, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation (within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990), restoration and aftercare schemes shall be submitted for approval to the Mineral Planning Authority.

The schemes shall be submitted within 3 months of the agreed cessation date.

The submitted schemes shall include all those matters prescribed the Aftercare condition 22.

The Scheme shall be implemented on approval.

REASON: To ensure that the land is restored and husbanded in a condition capable of a sustained beneficial use and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging policy (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) & M27 (Restoration and Aftercare).

21. Details of the progressive Landscaping/Restoration Scheme for the site shall be updated then submitted to and agreed in writing by the Mineral Planning Authority (MPA) by the deadlines set below. The following details shall be submitted:-

a) Within 3 months of the date of this permission, details of required additional tree planting in Royal Aller Quarry, shall be submitted to and agreed by the MPA, these additional trees shall be planted within 2 years of the date of commencement;

b) Prior to commencement of each new phase of the development, details of the subsequent phase of restoration shall be agreed with the MPA, as well as the timetable for its implementation, the details shall include:-

- The species, size, number and location of all trees, scrubs and any grasses to be planted, details of staking securing and mulching, and the measures to be undertaken for their protection from noxious weeds, vermin and lack of water;
- Details of soil preparation, fertilisers, seed mixes, weed killers to be used and their rates of application;
- Design and location of fencing, provision and details of gateways, paths and tracks.

The Approved Scheme/s shall be implemented and complied with at all times.

REASON: To comply with Section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in relation to the local landscape and to reduce the impact of the development on the surrounding area and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging policy (August 2015) (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) & M27 (Restoration and Aftercare).

22. An aftercare scheme detailing the steps that are necessary to bring and maintain the land to the standard required for agriculture/amenity and forestry use shall be submitted for approval to the Mineral Planning Authority 12 months prior to the end of the 5 year restoration period. The submitted scheme shall:

a) Include an outline strategy (in accordance with the NPPF paragraph 057) for the five year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken;
b) Include a programme of monitoring of the progress of all planting and seeding and land drainage provision, together with details of how the developer will remediate any problems that arise during the aftercare period caused either by failure or inadequate initial provision;
c) Provide for the submission to the Mineral Planning Authority of a detailed annual programme of works).

The Aftercare Scheme shall be implemented on approval.

REASON: To ensure that the restored land is husbanded in a condition capable of a sustained beneficial use similar to surrounding land in the same use and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging Mineral policy (August 2015) (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) & M27 (Restoration and Aftercare).

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.

Appendix 8 – Planning Decision Notice (07/02215/DCC)

Devon County Council

Teignbridge District Council
Application Number: 07/02215/DCC
(Please quote this reference in correspondence)

COUNTY OF DEVON

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995
TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992

GRANT OF CONDITIONAL PLANNING PERMISSION

To: **Mr J Bown, Hanson Aggregates, Trusham Quarry, Newton Abbot, Devon, TQ13 0NX**

Agent for: **Hanson Aggregates, The Ridge, Chipping Sodbury, Bristol, BS37 6AY**

The Devon County Council hereby grants planning permission to carry out the development described in the application received on **2 May 2007**, and the plans and drawings attached thereto numbered: **A36/L, A36e/60, A036/61, A036e/57, A036e/58, A036e/59**

brief particulars of which are as follows:

Continued use of silt lagoons at Colesville (Aller Vale) Quarry, Coffinswell, Newton Abbot

subject to the conditions set out in the attached sheets

Brian Henley

on behalf of the Director of Environment, Economy and Culture

Date: 19 March 2008

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.

DN May 2005

Continued overleaf

NOTES

APPEALS TO THE SECRETARY OF STATE

1. 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 First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

2. If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate at 2 The Square, Temple Quay, Bristol, BS1 6PN.

3. The First Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The First Secretary of State need not consider an appeal if it seems to him that the Local 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 the Order.

5. In practice, the First Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

6. 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.

7. 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 - Teignbridge District Council Application No. 07/02215/DCC

1. Unless otherwise agreed in writing, the engineering works associated with the continued use of the silt lagoon shall be in accordance with plan reference A036e/58.

   REASON: To ensure that the works are carried out in accordance with the approved plans.

2. The silt lagoons subject of this application shall be used only for the disposal of silt arising from Zig Zag Quarry and no other waste shall be deposited in the lagoons without the express consent of the Mineral Planning Authority.

   REASON: To ensure adequate capacity remains at the site for processing operations at Zig Zag Quarry.

3. During the period of the engineering operations for the construction of the silt lagoon the developer shall fully implement the nature conservation mitigation recommendations set out in Part 4 of the Baseline Ecological Assessment dated January 2008, submitted as part of the planning application.

   REASON: In the interests of nature conservation.

4. Unless otherwise agreed in writing with the Mineral Planning Authority, within 6 months of the date of this decision notice a detailed landscaping scheme shall be submitted for the planning permission area. The scheme shall be in accordance with the general principles of restoration shown on plan AO36e/59 and shall include details of:

   - The phased restoration of the site;
   - Planting plans;
   - Written specifications (including cultivation and other operations associated with plant and grass establishment);
   - Schedules of plants, noting species, planting sizes and proposed numbers/densities;
   - Implementation timetables.

   The landscaping shall be provided in accordance with the above details, or such alternative details that may subsequently be agreed in writing with the Mineral Planning Authority.

   REASON: To ensure the adequate restoration of the site.

5. Trees, shrubs and hedges planted in accordance with the approved landscaping scheme shall be maintained and any plants which, within 5 years of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

   REASON: To ensure satisfactory restoration of the site.

6. Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no fixed plant or machinery, buildings, structures and erections, or private ways, shall be erected, extended, installed, rearranged, replaced, repaired or altered within the permission area without prior planning permission from the Mineral Planning Authority.

   REASON: In order to protect the amenities of the area.

7. In the event of the cessation of mineral processing in Zig Zag Quarry, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a restoration scheme, to include details of aftercare, shall be submitted for approval to the Mineral Planning Authority within 3 months of the cessation of mineral processing at Zig Zag Quarry. Such approved scheme shall be carried out within 1 year of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

   REASON: To enable the Mineral Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after use.

INFORMATIVE NOTE

Policies and Proposal Relevant to the Decision

Article 22 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by Section 3 of the Town and Country Planning (General Permitted Development) (England) Amendment Order 2000, requires the Local Planning Authority to specify the policies and proposals contained within the Development Plan that were considered of relevance to its decision. The following were considered relevant in this case:

Devon County Structure Plan: Policies MN2 (Environmental Effects of Mineral Working).

Devon County Minerals Local Plan (June 2004): Policies MP56 (Restoration) and MP57 (Securing Effective Restoration).

Summary of Reasons for Granting Approval

The Mineral Planning Authority is of the opinion that the proposed development gives rise to no material harm, is in accordance with the Development Plan and there are no material considerations that indicate the decision should be made otherwise. The Mineral Planning Authority also considers that any harm to visual amenity and nature conservation interests as a result of the proposal will be mitigated against by the imposition of the attached conditions.