

## **Application Number 18/00826/FUL**

<b>Proposal</b>	Variation of condition 2 (time limit), condition 3 (construction aggregates), condition 4 (approved plans), condition 6 (access), condition 11 (phasing), condition 42 (restoration details) and condition 47 (removal of structures, plant and machinery) of planning permission 04/01800/FUL.
<b>Site</b>	Buckton Vale Quarry
<b>Applicant</b>	W. Maher & Sons Ltd
<b>Recommendation</b>	Grant planning permission subject to conditions and s106 legal agreement.
<b>Reason for Report</b>	A Speakers Panel decision is required because the application constitutes major development.

### **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks to vary condition 2 (time limit) of planning permission 04/01800/FUL to extend the period of mineral extraction at Buckton Vale Quarry until 21 February 2042 with full restoration by 21 February 2044. Permission is also being sought to review a number of the other planning conditions to bring them in line with the proposed amended timescale and submitted plans. The applicant has also submitted an environmental statement to support the application.

### **2.0 SITE & SURROUNDINGS**

- 2.1 The permitted mineral extraction area for Buckton Vale Quarry is 33Ha together with the processing plant, supporting facilities and site access. However, the quarry has a wider coverage of 6Ha so the land take is actually 39Ha. The site is accessed by a private road via Castle Lane that is situated within Carrbrook Village, which is the only available access into the quarry.
- 2.2 The site is situated within the Green Belt and the extraction area is surrounded by a Site of Biological Importance (SBI). A scheduled ancient monument (Buckton Castle) lies to the west of the application boundary. The quarry occupies an elevated position on the hillside overlooking the Tame Valley and is a prominent feature in the landscape.
- 2.3 Buckton Vale Quarry operates between the hours of 0700 - 1800 Monday to Friday and 0700 - 1300 Saturday. No Sunday or Public/Bank Holiday working is permitted. HGV movements are permitted between the hours of 07:30 - 17:30 Monday to Friday and 07:30 - 13:00 Saturday. Condition 24 of planning permission 04/01800/FUL provides a maximum number of vehicle movements of 180 (90 in, 90 out) per day. These requirements limit the tonnage of mineral that can be exported and the applicant is not proposing amending these previously approved conditions.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 15/00116/CPUD - Stabilisation works involving the placement of in situ fill, comprising of quarry overburden, plus approximately 41,600 cubic metres of imported inert material. Approved on 19.08.2015
- 3.2 04/01800/FUL - Variation of Condition 29 on planning permission 84/05/17366 in order to extend period of quarrying operations to 31 December 2020. Approved on 24/11/2005

## **4.0 RELEVANT PLANNING POLICIES**

### **4.1 Tameside Unitary Development Plan (UDP) Allocation**

- The site is unallocated within the UDP.

### **4.2 Tameside Unitary Development Plan (UDP) Part 1 Policies**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.10 Protecting and Enhancing the Natural Environment
- 1.12 Ensuring an Accessible, Safe and Healthy Environment
- 1.13 Meeting Obligations on Minerals, Waste and Energy

### **4.3 Tameside Unitary Development Plan (UDP) Part 2 Policies**

- OL1 Protection of the Green Belt
- OL8 Informal Recreation and Countryside Access
- OL10 Landscape Quality and Character
- T1 Highway Improvement and Traffic Management.
- T14 Transport Assessments
- C4 Control of Development in or adjoining Conservation Areas
- C6 Setting of Listed Buildings/Structures
- C10 Development Affecting Archaeological Sites
- N2 Locally Designated Nature Conservation Sites
- N3 Nature Conservation Factors
- N7 Protected Species
- MW12 Control of Pollution
- MW14 Air Quality
- MW15 Protection of Water Resources
- U3 Water Services for Developments
- U4 Flood Prevention

### **4.4 Greater Manchester Joint Minerals Development Plan Document**

- Policy 1 The Presumption in Favour of Sustainable Minerals Development
- Policy 2 Key Planning and Environmental Criteria
- Policy 3 Primary Extraction of Minerals – Aggregates
- Policy 8 Prior Extraction of Mineral Resources Within Mineral Safeguarding Areas
- Policy 9 Sustainable Transport of Minerals
- Policy 13 Restoration and Aftercare

### **4.5 Other Local Policies**

Greater Manchester Spatial Framework - Publication Draft October 2019;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 (“GMSF”) which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections.

### **4.6 National Planning Policy Framework (NPPF)**

- Section 2: Achieving sustainable development

- Section 8 Promoting healthy and safe communities – Open space and recreation
- Section 11: Making efficient use of land
- Section 12: Achieving well designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change – Planning and flood risk
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Section 17: Facilitating the sustainable use of minerals use

#### 4.7 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

#### 5.0 **PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice and press notice advising of the submission of a major application accompanied by an Environmental Statement (ES).
- 5.2 On the receipt of an addendum to the ES, the application has been re-advertised in accordance with the particulars of regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In addition, site notices and neighbour notification letters have also been issued in accordance with the relevant regulations.

#### 6.0 **RESPONSES FROM CONSULTEES**

- 6.1 **Borough Environment Health Officer:** The submitted noise assessment and discussion within the ES is considered acceptable. No objection is raised subject to the conditions restricting hours of operation, vehicle movements and noise control being replicated within the new permission.
- 6.2 **Environment Agency:** An objection to the application was originally made due to a lack of clarity in how a scheme of groundwater monitoring would be maintained throughout the development, and what steps will be taken in the event of diminished water supply to local abstractors. The applicant has provided the requested information and the objection has now been removed subject to condition.
- 6.3 **Flood Risk Management:** A flood risk assessment was requested due to further quarrying into the hillside, which is likely to increase the runoff rate from that site that in turn would increase the likelihood of flooding downstream. The additional information has satisfied the Drainage team that the design proposal would address the known flood issues that might arise in the foreseen period during intended extraction.
- 6.4 **Greater Manchester Archaeological Advisory Service:** No objection subject to a contribution towards funding and supporting further conservation, presentation and investigation of the archaeology of Buckton Castle to be secured by way of a s106 legal agreement.

- 6.5 **Greater Manchester Ecological Unit (GMEU):** Concern has been raised regarding the suitability of the broad principles of the restoration plan. The applicant has submitted an amended plan to address these concerns, which should be supported through condition.
- 6.6 **Historic England:** Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF. To further fulfil paragraph number 185, we recommend that a positive strategy for the continued conservation and enjoyment of the site, as originally secured through a section 106 agreement, be discussed with your local planning authority archaeologists.
- 6.7 **Landscape Consultant:** A number of questions were posed regarding the approach taken to the LVIA and a number of recommendations for improvement were suggested. The subsequent addendum to the ES has addressed these concerns.
- 6.8 **Local Highway Authority:** The LHA has reviewed the Environmental Statement (ES) and Transport Statement (TS) supplied by the applicant and is broadly in agreement with its findings. We also note that the current S106 Agreement signed has a condition 24 which limits the two-way HGV trips to 180 per day. The quarry, therefore, can lawfully operate with a maximum of 180 number HGV two-way trips per day, of which the applicant states that the number of two-way trips to the quarry is 34 which is currently running as 19% of its permitted maximum.
- 6.9 The ES has considered the operational usage (34 two-way trips) but has also conducted a sensitivity analysis using the maximum permitted two-way trips (180 HGVs), based on this larger figure the ES identified that the impacts would be negligible.
- 6.10 The Transport Statement considers the traffic impact, including all traffic flows but did not identify any aspects that could be considered to have a severe network impact, which is the test. Similarly, the road safety analysis in the TS did not identify any issue that could be considered to present a road safety risk – in conclusion the quarry is already operating and can operate with 180 two-way trips per day.
- 6.11 Whilst there may be concerns with the continued operation of the quarry into the future there are no issues in the TS that would warrant a highway objection. Likewise, the ES has presented information to show the highway/environmental impacts to be negligible.
- 6.12 The ES does discuss sensitive factors to consider around Conservation areas of which Rule 2 taken from the Institute of Environmental Assessment “Guidelines for the Environmental Assessment of Road Traffic” states Conservation areas having a threshold impact of 10%, require further investigation. Specifically the development traffic percentage impact is considerably below the 10% threshold impact for the operational assessment and based on the 180 two way flow impact assessment. The greatest percentage impact is shown to be 3.70% in the TA and therefore the LHA broadly agree that there is no requirement to consider the environmental effects in greater detail.

## 7.0 SUMMARY OF THIRD-PARTY RESPONSES RECEIVED

- 7.1 Eight responses have been received in connection to the initial notification/advertisement of the application. These responses can be summarised as the following:
- Questions raised regarding the number of waggons entering and exiting the quarry per day;
  - The size of vehicle accessing the quarry;
  - The timing of access to/from the quarry at the start/end of the school day;

- Erosion to Southview highway and other routes to the quarry. Traffic calming chicanes are being eroded and mini roundabouts on Southview are being damaged with stones being dislodged;
- The timescale needed to extract the 5 million tonnes exceeds the proposed end date of 2042;
- Concerns for Buckton Castle;
- Air quality issues in the local area;
- The susceptibility to change in the viewpoints is high and there is no mention of the view from Dukinfield;
- Concerns regarding breaches of planning conditions: vehicle numbers, hours of operation;
- Concerns for breaches of highway laws by quarry vehicles;
- Desire for an alternative route to/from the quarry to be used by HGVs;
- Concerns regarding the current visual impact of the site – untidy;
- Concerns regarding the likelihood that restoration will be undertaken;
- Question as to whether planning permission should have been granted originally;
- Potential damage to the environment and wildlife through the extension of time of operations;
- The Transport Assessment does not detail the access and exit to the quarry through the whole of Carrbrook village or the location of the local primary school;
- There is a lack of conditions governing routing through Carrbrook village and speed in which vehicles can travel;
- Potential impact on utilities (pipework) near Beaconsfield Terrace if HGVs continue to use this route. Could HGVs be routed via Carr Rise as they did in the past?
- Concern regarding inert material being imported into the quarry – resulting in mucky/dirty residential properties.
- The granting of planning permission being a violation of the Human Rights Act 1988, Article 8- a right to private and family life, your home and correspondence. Protection from noise and pollution nuisance.

7.2 The Local Planning Authority has received two petitions concerning the application:

- The first concerning 'issues with waggons' with 206 signatories; and,
- The second expressing objection to the application with 55 signatories.

7.3 One response has been received following the re-consultation of the Environmental Statement Addendum. This response can be summarised as follows:

- To consider the reduction of vehicle movements at the beginning and end of the primary school day.
- To reduce the hours of operation during the summer months when children are playing outside.

## **8.0 ANAYLSIS**

### **8.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

8.2 As previously identified, an ES has been submitted with this planning application. Therefore, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 have been afforded due consideration.

8.3 During the determination process the ES has been reviewed by the local planning authority in conjunction with statutory and other consultees who have sufficient expertise to understand and assess the chapters therein. The professionals involved with reviewing the

ES have requested information concerning flood risk and drainage, slope stability, risks to human health and vulnerability to accidents. In addition, amendments to the Landscape Visual Impact Assessment were required.

- 8.4 The applicant has submitted an addendum to the ES. When the addendum is read in conjunction with the ES the likely significant effects of the development to the environment have been fully identified and assessed. The conclusions reached within the ES are considered to be up to date, the impacts of the proposed development are unlikely to have significant effects on the environment as it stands and can be mitigated against by conditions. The nature of the site and environmental considerations identified are such that specific monitoring conditions are not required in this case.

## **9.0 PRINCIPLE**

- 9.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.
- 9.2 As identified above, the applicant is seeking to vary condition 2 that concerns the time limit of the quarry's operation. Its common place for mineral permissions to have a condition attached concerning the length of time the quarry can operate for. However, this is not the same as a condition concerning the time limit of permissions; such a condition governs the implementation of the permission.
- 9.3 The principle of development has been established previously through subsequent applications. The varying of condition 2 and associated conditions concerning timescales of the quarry's operation does provide an opportunity to allow for an assessment of the principle of development going forward over the next 20 years. Therefore, this approach aligns with the advice within the National Planning Practice Guidance that states 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application...'

## **Minerals**

- 9.4 The National Planning Policy Framework (2019) (NPPF) outlines that it is essential that there is a sufficient supply of minerals to support infrastructure, buildings and energy development across the country. Since minerals are a finite natural resource and can only be worked where they are found (para 203, NPPF). Paragraph 204c (of the NPPF) explores this further by outlining that planning policy should seek to avoid sterilising mineral sites by non-mineral development by defining Mineral Safeguarding Areas.
- 9.5 The NPPF states that 'great weight should be given to the benefits of mineral extraction, including the economy' (para 205). Paragraph 205 goes on further to outline that the Mineral Planning Authority should consider the provision for landbanks; the impacts upon the environment; human health; aviation safety; environmental protection; provide for restoration and aftercare; and, cumulative impact.
- 9.6 The site forms part of the Greater Manchester Joint Minerals Development Plan Document (GMJMP) safeguarded area for mineral extraction (sandstone) to ensure that mineral reserves are not compromised by other forms of development. (Policy 8). As outlined above, the development is also located within the Green Belt.

## **Green Belt**

- 9.7 As outlined within the NPPF the essential characteristics of Green Belt are their openness and permanence. There is a presumption against development within the Green Belt except within certain circumstances. Inappropriate development is harmful to the Green Belt, and substantial weight should be given to this harm. Inappropriate development should not be approved except in very special circumstances, and “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.8 Paragraph 146 of the NPPF outlines the circumstances in which development within the Green Belt might be considered not inappropriate. Mineral extraction and engineering operations are listed as exceptions to the general principle against development, however this is with the caveat that the developments must preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt.
- 9.9 As is noted within the NPPF, and carried forward into local planning policies, minerals are essential to support sustainable economic growth and Minerals Planning Authorities should plan for a steady and adequate supply of aggregates. Minerals can only be worked where they are found and the use of the land is a temporary activity. In determining planning applications great weight should be given to the benefits of mineral extraction.
- 9.10 The extraction activities are well screened and the majority of the quarrying operation will take place below adjacent ground level. Therefore, the operation of the quarry is not expected to result in significant harm in terms of visual and landscape impact. Any grant of consent would carry forward a requirement for adequate restoration and aftercare.
- 9.11 To enable the quarry to be adequately restored it is essential that there is a phased approach to extraction and restoration. The applicant has submitted a plan concerning a phased approach to restoration, which is recommended to be supported through condition.
- 9.12 The majority of the development is undertaken below ground and the above ground structures are minimal in terms of numbers and scale and are clustered together. Therefore, the proposal is unlikely to impact upon the openness of the Green Belt or conflict with the purposes of including land in Green Belt. Given this and that the site is safeguarded for minerals extraction within the GMJMP, the principle of the development remains acceptable and complies with aforementioned policy.

## **10.0 LANDSCAPE AND VISUAL IMPACT**

- 10.1 As previously outlined, most of the works undertaken are below ground and will not be seen due to the topography of the landscape. However, the historic working of the quarry has fundamentally altered the landscape during its lifespan. The previously agreed and recently submitted restorations plans do not incorporate filling the quarry and restoring the natural topography of the area. Therefore, it is important to make an assessment of the impact of allowing the quarry operator further opportunity to create a bigger void within the landscape and the quality of the proposed restoration scheme.
- 10.2 Policy 13 (Restoration and Aftercare) of the Greater Manchester Joint Minerals Plan states that the restoration plan ‘...should be geared towards improvement of final land use’ and ‘provide for the enhancement of the quality of the landscape... the setting of historic assets to the benefit to the local or wider community.’ Originally the restoration plan incorporated peat being tipped onto exposed benches, which would have been unlikely to be successful as the peat would have most likely have dried out and blown off. The applicant was asked

to re-visit the broad principles of restoring the site to provide a site that would enhance the neighbouring SBI that surrounds the working area of the quarry.

10.3 The restoration principles now include restoring the Quarry floor to a mosaic of different vegetation types. According to the Technical Restoration Note, where possible, local donor sites would be used as sources of vegetation. The following is envisaged to be included within the mosaic:

- Acid grassland (lowland dry acid grassland is UKBAP priority habitat);
- Purple moor grass and rush pastures (UKBAP priority habitat);
- Upland flushes fens and swamps (UKBAP priority habitat);
- Upland heathland (UKBAP priority habitat);
- Inland rock outcrop and scree habitats (UKBAP priority habitat);
- Bare ground;
- Ponds (UKBAP priority habitat);
- Infrequently wet areas.

## **11.0 SOCIAL (IMPACT ON GENERAL AMENITY)**

11.1 No amendments are proposed to the working practices on the site, nor has any application been made to vary the planning condition relating to hours of operation. It is considered that all general amenity issues have been assessed and mitigated through the existing consent and are suitably controlled through planning conditions and other legislation.

11.2 Controls over hours of operation for mineral extraction and plant maintenance are in place through the existing consent. Such controls would remain in place by replication of earlier planning conditions should planning permission be granted. It is considered that this would be sufficient to ensure compliance with planning policy.

## **12.0 PLANNING BALANCE**

12.1 Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

12.2 The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local economy. This proposal enables the remaining permitted mineral reserve to be worked, avoiding the sterilisation of a mineral deposit. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard and provides for an overall net gain for nature conservation. This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

12.3 The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of the Tameside UDP, GM Joint Minerals Development Plan and the approach of the NPPF.

## 13.0 CONCLUSION

- 13.1 There are no objections to the proposal from the statutory consultees subject to the implementation of conditions.
- 13.2 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

## RECOMMENDATION

Grant planning permission, subject to a new s106 Legal Agreement (for contribution of £20,000 towards funding and supporting further conservation, presentation and investigation of the archaeology of Buckton Castle) and the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans, documents and schemes:
  - Application Form dated 18/07/2018
  - 2164-01-01 Rev A Application Boundary
  - 2164-01-03 Quarry Development 2018-2026
  - 2164-01-04 Quarry Development 2026-2034
  - 2164-01-05 Quarry Development 2034-2042
  - 2164-01-07 Indicative Restoration Proposals
  - 2164-01-08 Indicative Phasing
2. The winning and working of minerals shall cease no later than the 21 February 2042 and the full restoration of the site shall be completed within 24 months of the cessation of mineral extraction or by the 21 February 2044, whichever is the sooner, unless otherwise agreed in writing with the Minerals Planning Authority.
3. Written notice shall be given to the MPA within 7 days of the cessation of mineral extraction.
4. The access to the public highway to be used by vehicles in carrying out the development shall be the existing access to Castle Lane shown within the red line on drawing number 2164-01-01 Rev A.
5. The access will, at all times, be maintained to a high standard so as not to impede visibility and road safety, and regularly cleaned to avoid deposition of deleterious materials in the public highway.
6. The site access road shall be hard surfaced and kept in good order.
7. All loads of open topped vehicles involved in the transportation of mineral from the site shall be securely sheeted in a manner that no material may at any time be spilled or blown onto the public highway.
8. A daily record of all HGVs visiting the site shall be kept by the operator and forwarded to the Mineral Planning Authority within 3 days of a written request being made.
9. The maximum number of HGV movements associated with working shall not exceed 180 per day (90 return trips).
10. The hours of operation approved by this permission, except for those operations conditioned below, are:

Monday to Friday – 0700 to 1800hrs

Saturday – 0700 to 1300hrs

No operations will occur outside of these hours or on Sundays, Public and Bank Holidays.

11. Haulage vehicle movements in and out of the site are approved during the following hours:

Monday to Friday – 0730 to 1730hrs

Saturday – 0730 to 1300hrs

12. Servicing, testing and maintenance of quarry plant and machinery shall be carried out during the following hours:

Monday to Sunday – 0700 to 2200hrs with the exclusion of testing on Public Holidays unless agreed in writing with the MPA.

The pumping of water from the quarry is exempt from these hours.

13. No importation of minerals or waste materials (except for those included within 15/00116/CPUD) shall occur without the prior written approval of the Mineral Planning Authority.

14. The site shall be worked progressively in phases as indicated on drawing 2164-01-08.

An annual plan shall be submitted to the Mineral Planning Authority, for their information, showing the areas which have been stripped, worked and restored.

15. The depth of extraction shall not exceed those limits as identified within approved plan drawing 2164-01-05.

16. The operator shall give at least 2 days written notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping from any part of the site.

17. The stripping, movement, replacement and cultivation of topsoil, subsoil and overburden shall only be carried out in dry weather conditions and when the material to be moved is sufficiently dry to minimise structural damage.

18. No plant or machinery shall cross any areas of unstripped topsoil or subsoil.

19. Topsoil, subsoil and overburden shall be stored separately. There shall be no contamination of topsoil, subsoil and overburden.

20. Topsoil, subsoil and overburden shall be stored in separate mounds which shall:

- a) not exceed 3 metres in height in the case of topsoil; or 7 metres in height in the case of subsoil unless agreed in writing by the Mineral Planning Authority;
- b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) not be subsequently moved or added to until required for restoration unless otherwise agreed in writing by the Mineral Planning Authority;
- d) have a minimum 3 metre stand-off, undisturbed around each storage mound;

- e) comprise topsoils on like texture topsoils and subsoils on the like texture subsoils;
  - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.
21. Previously undisturbed topsoil and subsoil shall be separately stripped to their full depth and, wherever possible, shall be directly placed as part of the restoration scheme. Where this is not reasonably practicable they should be stored in accordance with the agreed and conditioned methodology.
  22. All storage mounds of topsoil, subsoil and overburden shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or removal for restoration purposes.
  23. Within 3 months of any topsoil, subsoil and overburden mounds having been formed, or within the next available planting season, shall be grass seeded/planted.
  24. Throughout the operational life of the site all soil mounds shall be maintained and kept free of noxious weeds.
  25. All plant, machinery and vehicles employed on the site shall be fitted with effective silencers and all parts of such plant, machinery and vehicles shall be maintained in good repair and so operated to minimise noise emission.
  26. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 9mm per second in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12mm per second as measured at vibration sensitive buildings. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
  27. Best practicable means shall be adopted to minimise the propagation of air overpressure arising from production blasting operations. Such measures include sufficient stemming/coverage of detonators, adequate burdens and adherence to the Quarries Regulations in respect of blast design.
  28. In the event of the agreed permissible levels of ground borne vibration being exceeded by production blasting operations from the site, the company will inform the Mineral Planning Authority within 24 hours of the occurrence and of any mitigating measures proposed to reduce the impact. Any further action to be agreed between the company and the Mineral Planning Authority.
  29. Within 3 months of the date of this planning permission, the safety protocol to be undertaken prior to, during and proceeding blasting shall be submitted and agreed in writing with the Mineral Planning Authority. The agreed protocol shall be implemented with immediate effect.

Except in an emergency, no blasting shall be carried out except between the hours of 1000 and 1600hrs Mondays to Fridays.
  30. The best practicable means shall be employed at all times to minimise dust generated from haul roads, vehicles, stockpiles and processing plant. In particular haul roads and other areas shall, when necessary, be sprayed with water during dry weather to lay dust.
  31. Except for temporary operations, the free field Equivalent Continuous Noise Level, Laeq, 1 hour, in the vicinity of 1 Buckton View, 1a Castle Lane and 22 Carr Cottages, due to

operations in the site, shall not exceed 49 dB at each nominated dwelling. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. All measurements shall be taken at a height above the ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any other sound reflecting structure.

32. For temporary operations such as site preparation, soil stripping, screen bank formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB Laeq, 1 hour expressed as an Equivalent Continuous Noise Level. Temporary operations shall not exceed a total of eight weeks in any 12 month period for work close to any individual noise sensitive properties. All measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any other sound reflecting structure.
33. Any liquid storage tanks shall be sited in an impermeable bund and base, the sealed bund wall being capable of holding 110% of the total volume of the liquid stored.
34. All oil lubricant drums shall be stored in a compound with an impermeable base and the floor graded in such a manner that the contents of the largest drum are retained in the event of spillage.
35. There shall be no burning of any waste or other materials on the application site
36. Within 3 months of the date so this permission, a scheme for the prevention of the deposit of mud and material on the public highway shall be submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be implemented with immediate effect.
37. Any fixed and mobile lighting units on the site shall be directed and cowled so as to contain light emitted therefrom within the site.
38. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make provision for the disposal of all water entering, arising on or leaving the site during permitted operations.
39. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse or underground strata.
40. Prior to the discharge of surface water from impermeable roads, or plant parking/fuelling areas being discharged into a watercourse, sewer or soakway, the water shall be passed through a suitably sized petrol/oil interception facility.
41. Groundwater levels shall be monitored at each of the three boreholes monthly throughout the development, and the data correlated to Ordnance Datum and reported to the Mineral Planning Authority on dd/mm and annually thereafter. If any of the boreholes should be lost or become inoperable for any reason it must be repaired or replaced like for like within three months of commencement of lost readings.
42. Within six months of the grant of this permission, the developer shall agree with the Mineral Planning Authority and the Environment Agency, a suitable means of ensuring that the yield of private water supply abstractions at the springs feeding Intake Cottage and the Buckton Castle hamlet will not be diminished by future operations at the Buckton Vale Quarry as permitted by this planning permission, and that in the case that they are

adversely affected, a Town and Country Planning Act Section 106 Agreement shall be entered into to establish a suitable means of agreed mitigation.

43. The site shall be restored in a progressive manner and the phasing of restoration shall accord with drawing 2164-01-08 hereby approved unless an alternative restoration phasing plan is submitted to and approved in writing by the Mineral Planning Authority. Any alternatively approved restoration phasing plans shall be implemented in accordance with the approved timescales.
44. Prior to the 21st February 2041, or 12 months before cessation of mineral extraction (whichever is the sooner) a scheme for the restoration of the quarry shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include, inter alia, details of:
  1. final finished levels and any necessary re-profiling;
  2. depths of overburden, subsoil and topsoil;
  3. drainage provision and water bodies;
  4. provision of fencing and access tracks;
  5. seed mixes for all grassed areas;
  6. erosion control measures;
  7. specific priority habitats; and
  8. implementation programme, which shall include the details of when the haul roads are to be removed.The agreed restoration scheme shall be implemented in accordance with the approved details.
45. Prior to the cessation of mineral extraction a comprehensive nature conservation management plan (including implantation programme) to secure the long term restoration and management of the site for at least 5 years after the cessation of quarrying shall be submitted to and approved in writing by the Mineral Planning Authority. The approved plan shall be implemented in accordance with the approved details.
46. Vegetation stripping shall only be carried out outside of the bird nesting season (March - August) unless a suitably qualified ecologist can show nesting birds to be absent.
47. Prior to placement of any soils or soil making materials in each restoration phase the operators shall notify the Mineral Planning Authority in writing, in order that the authority may have the opportunity to confirm that the ground generally conforms with the levels as set out in the approved Restoration Plan.
48. All plant machinery, buildings, foundations, hardstanding and haul roads shall be removed within 12 months of the cessation of mineral extraction or by 21 February 2043, whichever is the sooner.
49. Prior to restoration being undertaken in any phase, an Aftercare Scheme setting out such steps as may be necessary to bring the land restored in that phase (identified by Figure 3.4 – Indicative Phasing) to the required standard shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include, but not limited to:

- a) an outline aftercare strategy for a period of not less than five years, specify the aftercare works to be undertaken and the period during which they are to be undertaken including full details of the first year's aftercare works;
- b) provide for a detailed annual report and programme of future aftercare works to be submitted to the Local Planning Authority;
- c) provide for an annual aftercare site meeting to be held between relevant parties, to monitor the progress of the aftercare works.

The scheme shall be implemented in accordance with the approved timescales.

50. Prior to any buttressing or stability works being undertaken in accordance with a Geotechnical Assessment (Quarries Regulations) full details (including timescales for implementation) shall be submitted to and approved in writing by the Mineral Planning Authority. The approved details shall be implemented in accordance with the agreed timescales.
51. To assist in the monitoring of the operation of the site, an annual progress report, accompanied by appropriate plans to show the operations undertaken on site in the previous twelve months and its anticipated programme of working for the next twelve months, shall be submitted to the Mineral Planning Authority. An annual site meeting to discuss the programme of working will be held within six weeks of the date of the report or a date to be agreed between the Mineral Planning Authority and the operator.
52. Should extraction of construction aggregates cease for a period in excess of 36 months, then within 6 months of receipt of a written request from the Mineral Planning Authority, there shall be submitted to the Mineral Planning Authority an alternative restoration and aftercare scheme, in accordance with conditions 43 and 50, which shall then be commenced within 12 months of its approval in writing by the Mineral Planning Authority.
53. Notwithstanding Part 17 of the The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (or any order revoking or re-enacting that Order) written approval of the Mineral Planning Authority shall be required under Part III of the Town and Country Planning Act 1990, for the erection, or re-siting of any building plant or machinery or structure or the erection of the nature of plant and machinery other than such development permitted by this decision.
54. From the date of this decision notice until the completion of the site's restoration as per condition 43, a copy of this permission including all documents approved in accordance with this permission, shall be available for inspection at the site office during normal working hours.
55. Within 3 months of the date of this permission detailed measures for the protection of the adjoining Scheduled Ancient Monument, Buckton Castle, shall be submitted to and approved in writing by the Mineral Planning Authority. Following approval, the operations shall only take place in accordance with the approved details with immediate effect.