

Application Ref: NP/14/0450

Case Officer	Huw Towns		
Applicant	G D Harries & Sons Limited		
Agent	Mr Simon Chaffe, Mathews & Sons LLP		
Proposal	Review of mineral planning conditions (ROMP) under Environment Act 1995.		
Site Location	Syke Quarry, Walwyns Castle, Haverfordwest, Pembrokeshire, SA62 3DZ		
Grid Ref	SM86921103		
Date Valid	21-Aug-2014	Target Date	15-Oct-2014

Summary

Schedule 14 of the Environment Act 1995 places a statutory duty on the National Park Authority to cause Periodic Reviews to be carried out of 'mineral permissions' relating to a 'mining site' every 15 years. The Periodic Review for Syke Quarry was due to be submitted by 23 August 2014 as the previous permission is dated 23 August 1999. The application was received on 21st August 2014.

The purpose of Periodic Reviews is to provide an opportunity to ensure that the conditions attached to the previous grants of planning permission are updated to reflect modern standards. Periodic Review applications cannot be refused. They can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant.

In this case, the conditions submitted by the applicant are not acceptable in their entirety. In particular, but not exclusively, there are issues with submitted conditions in relation to noise, dust, blasting, nature conservation and surface/groundwater. Therefore it is necessary to impose conditions different to those submitted by the applicant. However, none of the recommended conditions are considered to give rise to compensation liability.

Consultee Response

Natural Resources Wales: Urge that all recommendations for mitigation suggested in the ecological report are implemented and any settlement ponds required could provide an opportunity to create open water habitat. Provide specific comments on the conditions suggested by the applicants relating to geosciences, hydrology and environmental management.

PCNPA Access Officer: No objection - No public rights of way affected.

Walwyns Castle Community Council: Conditional Consent - approve the application provided the quarry traffic is directed away from the village of Walwyns Castle, any deterioration of the road surface is rectified, noise levels are kept to a minimum and that dust generation is controlled.

Dyfed Archaeological Trust: No Response Received - at time of writing this report.

PCNPA Ecologist: No Response Received - at time of writing this report.

Public Protection Division - PCC: No adverse comments - on the proposed planning conditions

Public Response

2 responses have been received. Concerns expressed regarding increase in noise.

Policies considered

Please note that these policies can be viewed on the Policies page Pembrokehire Coast National Park website - <http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty
LDP Policy 08 - Special Qualities
LDP Policy 10 - Local Sites of Nature Conservation or Geological Interest
LDP Policy 11 - Protection of Biodiversity
LDP Policy 15 - Conservation of the Pembrokehire Coast National Park
LDP Policy 22 - Buffer Zones
LDP Policy 30 - Amenity
LDP Policy 32 - Surface Water Drainage
LDP Policy 53 - Impacts on traffic
SPG16 - Regionally Important Geodiversity Sites
MPPW – Part 1 General Guidance
MPPW – Part 2 Non-energy minerals - Aggregates
MTAN1 – Aggregates
MPG14 – Environment Act 1995: Review of Mineral Planning Permissions

Constraints

Ancient and Semi Natural Woodland - within 25m
Technical Advice Note 15
Contaminated Land
LDP Mineral Safeguard
LDP Quarry Buffer
Biodiversity Issue
Safeguarding Zone
Rights of Way Inland - within 50m
Regionally Important Geological Sites
Hazardous Zones
Potential for surface water flooding

Recreation Character Areas
Low Coal Risk
Surface Coal
High Coal Risk

Officer's Appraisal

Background

Schedule 14 of the Environment Act 1995 places a statutory duty on the National Park Authority to cause Periodic Reviews to be carried out of 'mineral permissions' relating to a 'mining site' every 15 years. Such periodic reviews are commonly referred to as ROMP's although it is not the permissions that are subject to review but the conditions attached to them. The purpose of Periodic Reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time.

A 'mineral permission' is specifically defined as a permission, other than a planning permission granted by the Town & Country Planning (General Permitted Development) Order 1995 (GPDO).

The Periodic Review for Syke Quarry was due to be submitted by 23 August 2014 (15 years from the date of the latest mineral permission). The current application was received by the National Park Authority on 21 August 2014 and was registered accordingly as it met the requirements specifically set out in Schedule 14 of the Environment Act 1995. Whilst there is no statutory requirement on the National Park Authority to publicise an application for Periodic Review the guidance in Mineral Planning Guidance 14 (MPG14) advises that Authorities should do so as if it were an application for planning permission.

Periodic Review applications cannot be refused. They can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant. If the National Park Authority determines conditions different to those submitted by the applicant there is a liability for compensation to be payable by the Authority if any of the conditions impose a restriction on working rights. Paragraph 13 of Schedule 14 of the Environment Act 1995 sets out the following matters are to be regarded as a restriction of working rights:

- The size of the area which may be used for the winning of working of minerals or the depositing of mineral waste
- The depth to which any operations for the winning and working of minerals may extend
- The height of any deposit of mineral waste
- The rate at which any particular mineral may be extracted
- The rate at which any particular mineral may be deposited
- The period within which any winning and working of minerals or the depositing of mineral waste is to cease

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- The total quantity of minerals which may be extracted from the site or mineral waste which may be deposited on the site.

It is the Government's view that conditions, other than restoration and aftercare conditions, which would restrict working rights should not be imposed in Periodic Reviews except in exceptional circumstances (Paragraph 80, Mineral Planning Guidance 14: Environment Act 1995: Review of Mineral Planning Permissions).

Planning guidance also states that conditions imposed on any grant of planning permission should not be imposed which duplicate the effect of other controls as duplication of those controls would not meet the test of necessity (Welsh Government Circular 016/2014: The Use of Planning Conditions in Development Management).

Any conditions imposed do not take effect until the application has been finally determined i.e. all proceedings on the application, including appeals and High Court actions have been determined and the time period for any further appeal has expired (minimum 6 months).

Site Description

Syke Quarry is located in a countryside location approximately 400m southwest of the centre of the village of Walwyns Castle. The National Park boundary runs through Walwyns Castle and runs north/south approximately 350m due east of the quarry.

Access is gained from the C3125 road to the east of the site. It runs northwards from the site through Walwyns Castle and links with the B4327 Dale Road approximately 850m to the north-east and also runs southwards to the village of Herbranston approximately 2.7km to the south.

There are a number of residential properties located in the vicinity of the site. Syke Mill Cottage is located between the site boundary and the county road in the east; four semi-detached houses lie opposite the Church 190m to the north-east; Rosemoor and its associated holiday cottages lie 250m to the east; Syke Farm lies 250m to the south; Rosepool lies 400m to the west and The Flags are 450m to the north. Rosemoor in particular is located on higher ground and looks directly into the quarry. The site will also be visible from Rosemoor Court which is located approximately 600m to the north-west, as quarrying moves westwards.

The existing quarry permission covers an area of approximately 11.6 hectares and comprises four distinct areas. Firstly, the former plant and stockpiling area is located on the eastern side of the site. This part of the site is relatively flat, at a level of between 24m and 24.5m AOD, and although no processing plant and machinery remains there is a weighbridge and some derelict buildings/containers near to the access point. Secondly, to the west of the former plant area is a quarry bowl accessed through a pinch point in the quarry. It has two separate extraction bench levels, one at approximately 28m

AOD and another at approximately 48m AOD with evidence of mineral working deposits remaining on the lower bench level. Beyond the quarried area to the west is an area of scrubland and beyond that an agricultural field which is currently used to grow crops. These are at a maximum height of 65m AOD.

The land to the north and north east of the quarry is woodland which, together with topography, assists in screening the site from the north. Agricultural land surrounds the site to the south and west although there are significant boundary hedges which assist in screening the site. Again the surrounding topography also assists in screening the site from the south and west.

History

- NP/98/414 – Determination of Conditions – Approved – 23 August 1999
- NP/74/191 – Variation of Blasting Times – Approved – 12 July 1974
- HR/11255/73/1484 – Erection of Hoppers and Conveyors – Approved – 27 March 1974
- HR/3308/73/4765 – Extension to Quarry – Approved – 8 February 1974
- HR/3308/57/435 – Extension to Quarry – Approved – 6 February 1958

Current Proposal

The application is for the Periodic Review of the planning conditions attached to the 'mineral permissions' at the site. The specific 'mineral permission' under review in this case is:

- NP/98/414 – Determination of Conditions – Approved – 23 August 1999

The application contains a quarry development scheme which follows the same principles as the currently approved scheme. The quarry development plan shows the quarry faces moving westwards to the quarry boundary and workings being deepened within the main quarry bowl to a final level of -1m AOD.

The remaining reserve is approximately 5.5 million tonnes. Although the quarry does not have an output restriction the applicant has assumed an annual output of 150,000 tonnes for the purposes of the assessments, which is higher than the forecast average annual extraction rate of 80,000 tonnes. At these rates of output the life of the quarry would range between 36.5 and 68.75 years.

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Hours of operation are currently restricted to between 0700 and 1900 hours Monday to Friday and between 0700 to 1300 hours on Saturdays (plant maintenance is permitted on a Saturday afternoon) with no working on Sundays or Public Holidays. Lorry loading is currently restricted to between 0700 to 1800 hours on Monday to Friday and between 0700 to 1300 hours on Saturday. High level working on the periphery of the quarry and rock drilling is limited to between 0800 and 1700 Monday to Friday and 0800 to 1300 hours on Saturdays.

The applicant states that on the basis of an annual output of 80,000 tonnes there would typically be no more than four blasts per year with 8 days of rock drilling, this would be eight blasts and 16 days rock drilling for 150,000 tonnes per annum. Mobile crushing and screening plant would be used for processing operations together with two loading shovels and two excavators.

The restoration strategy is limited to natural regeneration in the main but there will be opportunities as the quarry develops to provide areas of ecological enhancement.

The application is not supported by an Environmental Statement. The applicant submitted a Screening Request under the terms of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 dated 15th January 2014. The Authority provided a Screening Opinion on 10th February 2014 advising that an Environmental Statement was not required in this case but supporting information in relation to ecology, transport, noise and impact on groundwater would be necessary.

The application raises the following planning matters:-

- a) principle of development
- b) noise
- c) dust
- d) blasting
- e) transportation
- f) nature conservation
- g) surface water drainage & groundwater resources.

Key Issues

a) Principle of Development

The principle of development has already been established by the previous grants of planning permission in 1958 and 1974 and the initial review in 1999. This application provides an opportunity to ensure that the conditions attached to the previous grants of planning permission are updated to reflect modern standards. As stated earlier in this report the application cannot be refused and can only be approved subject to the conditions submitted by the applicant or subject to conditions different to those submitted by the applicant. Any restriction of working rights as a result of the imposition of different conditions than those submitted by the applicant would expose the Authority to a

potential compensation liability.

b) Noise

Paragraph 85 of MTAN1 states, where aggregate extraction and related operations occur close to areas that are sensitive to noise, particularly residential areas, the noise impacts must be minimised to acceptable levels. In this case, Syke Mill Cottage which is adjacent to the eastern boundary of the site is particularly sensitive to noise. The only other residential properties within the quarry buffer zone established under Policy 22 of the Local Development Plan are the nearest semi detached properties opposite the church in Walwyns Castle. Rosemoor has experienced noise issues from working the site in the past even though it is outside of the quarry buffer zone. This is likely to be due to its elevated location relative to quarry workings and the lack of any intervening noise barriers. Paragraph 87 of MTAN1 states that the aggregates industry should aim to keep noise emissions at a level that reflects the highest possible environmental standards, taking all reasonable steps to achieve quieter working while having regard to the principles of best available techniques not entailing excessive cost.

Paragraph 88 of MTAN1 states that noise limits should relate to the background noise levels subject to a maximum daytime (0700 to 1900 hours) limit of 55 dBLAeq (1 hour) (freefield) at noise sensitive properties where background noise levels exceed 45dBLA₉₀. Where background noise levels are less than 45dB, noise limits should be defined as background noise limits plus 10dB. Night time working (1900 to 0700 hours) limits should not exceed 42dBLAeq at noise sensitive properties.

The current conditions limit the generation of noise to 45dBLAeq (1 hour) during permitted working hours except for the creation of landscape/noise attenuation mounds or the removal of soils and superficial deposits where the limit is 50dBLAeq. The applicants have not submitted a noise assessment as there is no proposal to increase noise limits for normal quarry operations above the permitted 45dBLAeq (1 hour). However, they do propose to increase the limit for temporary short term operations from 50dBLAeq to 67dBLAeq in line with Minerals Technical Advice Note 1 ("MTAN1"). They also consider drilling as a temporary short term operation but this interpretation is not supported by officers and is considered to be a part of normal quarry operations rather than a temporary or short term occurrence.

MTAN1 states that during temporary and short term operations higher levels may be reasonable but should not exceed 67dBLAeq for periods of up to 8 weeks in a year. It does not state that this is an automatic limit as of right and as the applicants have not submitted a noise assessment to support their request for a higher noise limit it is not possible to ascertain whether they can achieve levels lower than 67dBLAeq for temporary operations and/or whether there is a need for this over a period of 8 weeks per year. Therefore, relaxation of the current limits cannot be supported on the grounds that it has potential adverse impact on amenity and it is not clear that 67dBLAeq is the highest possible environmental standard that can be achieved at this site. To

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relax the limit without a supporting noise assessment would therefore be contrary to Policy 30 of the Local Development Plan.

c) Dust

Dust is produced at mineral extraction sites during a range of activities; site preparation, soil movement, blasting, excavation, transportation and processing operations. The generation of dust can be minimised by good site management and the applicant has suggested some conditions which would assist in minimising dust. However, it is considered more appropriate to include a condition requiring a dust management plan to be submitted for approval prior to working re-commencing at the site. Such a plan would consider management of dust in dry climatic conditions from working areas, stockpiles, haul roads and access points, managing dust from processing operations and from blasting operations. It would also need to contain monitoring arrangements in the event of problems being experienced at nearby properties and a mechanism for review of the scheme where it is not achieving maximum protection. The requirement for a dust management plan which is regularly reviewed over time is considered to provide the necessary standard of protection.

d) Blasting

The existing conditions limit blasting to 8.5mm/sec peak particle velocity (ppv) in 95% of all blasts over a 6 month period with no individual blast exceeding a ppv of 12mm/sec at any vibration sensitive buildings. They also set an air overpressure limit of 120dB (linear) at vibration sensitive buildings. The applicants have replicated the ppv limits in their submitted conditions.

However, MTAN1 states that planning conditions should provide for a ppv not exceeding 6 mm/sec for 95% of blasts in a 6 month period with no individual blast exceeding a ppv of 10 mm/sec. It is considered that the MTAN1 limits should be imposed in this case as they represent current standards.

The applicants do not propose a condition in relation to air overpressure. MTAN1 states that because air over pressure is transmitted through the atmosphere, meteorological conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. In view of this unpredictability, planning conditions to control air overpressure within specific limits are unlikely to be enforceable. What can be achieved is a requirement for blasting to be designed and implemented in order to limit air overpressure and a requirement to review the blast design if a specified air overpressure limit is exceeded. What can also be controlled are acceptable days and times for blasting and a scheme of vibration monitoring to ensure vibration limits are not being breached. It is considered that such conditions are necessary in this instance.

e) Transportation

The applicant has submitted a Transport Assessment which recognises that

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the C3125 is a narrow single track road with passing places, some of which have become overgrown. The applicants state that vehicles under their control will be routed southwards towards Herbranston and will avoid passing through the village of Walwyns Castle. Whilst traffic routing cannot be specifically controlled by planning conditions once vehicles have left the confines of the site, it is possible to require vehicles to turn right (or not to turn left) out of the site entrance and to require a sign to be erected advising them accordingly. This should limit the number of vehicles passing through Walwyns Castle although it is impossible to control the access routes used by vehicles not owned by the applicant.

The Transport Assessment calculates that at an assumed quarry output of 150,000 tonnes per annum this would equate to an average of 30 HGV trips per day and 165 trips in an average week. Light vehicles, including staff trips, would equate to an average of 10 per day or 55 per week giving a total of 40 vehicles per day or 220 per week. Whilst there is no output limit and one cannot be imposed without the prospect of compensation being payable it is accepted that 150,000 tonnes per annum is a reasonable threshold on which to base the calculations.

The Transport Assessment concludes that at 150,000 tonnes per annum the impact on the wider highway network is negligible, suitable access and visibility splays can be provided and the environmental impact of quarry operational vehicles is negligible being an increase of less than 10% of peak flows. Therefore, there is no conflict with Policy 53 of the Local Development Plan. Seeking to prevent as many HGV's as possible travelling through Walwyns Castle is a benefit that can be achieved without giving rise to any compensation liability.

f) Nature Conservation and Geological Interest

The applicant has submitted a phase 1 habitat survey which has identified semi-natural woodland to the north, east and parts of the south of the quarry; areas of scrub within the quarry; improved grassland to the south of the quarry; arable crops in the field to the west and a number of peripheral intact hedgerows.

There are three derelict buildings within the site but there were no signs of bats in them. The buildings were also assessed as having low value for bats. No evidence of bats was observed in trees but trees and hedges could have value as bat commuting routes. However, proximity to the coast and the exposed nature of the site would lower its value for bats. There was no sign of badger activity, protected mammals or reptiles. A small number of smooth crested newts were seen in a temporary puddle along a track. The site offers limited opportunities for breeding birds in the form of trees and hedgerows. Quarry faces are likely to be unsuitable for peregrine due to terraced profile and lack of height.

The main features of interest are the transient ponds within the site which have potential for amphibians and reptiles and the tree lines peripheral

hedgerows which have value for bat foraging and habitat connectivity. Therefore, peripheral hedgerows should be retained and transient water features should form part of any restoration proposals. Natural Resources Wales has also indicated the importance of ensuring that the mitigation measures outlined in the application documents are carried out. Therefore, conditions can be imposed to minimise the impact on habitats and species in accordance with Policy 11 of the Local development Plan.

Non-native invasive species such as Japanese Knotweed, Himalayan Balsam and Buddlejia need to be controlled and any removal of vegetation needs to avoid the bird nesting season. These matters can be controlled by condition.

The site is identified in the SPG for Regionally Important Geodiversity Sites in Pembrokeshire (RIGS 541) and Policy 10 of the Local Development Plan should apply. However, as explained above, the principle of development has already been established and therefore any impact on the RIGS site cannot be prevented without compensation. What can be achieved is consideration of the geological features that can safely be retained as part of the restoration of the site. This will form part of the detailed restoration scheme required under proposed condition 54.

g) Surface Water Drainage and Groundwater Resources

The current planning permission contains conditions which require a detailed hydrological report and water features survey to be submitted to the Authority including 12 months groundwater monitoring from boreholes, an assessment of the impact of quarrying and dewatering and details of any proposed mitigation works. The previous owners did submit information which indicated the need to improve the existing quarry drainage system and identified two borehole monitoring locations to the north and east of the quarry. The Environment Agency at the time requested a third monitoring location to the west/north-west, a rainfall gauge to be installed at the site and a bed-level survey/gauging of the tributary close to the boreholes in the north/north-east. This was not finally resolved therefore suitable conditions need to be imposed to ensure the protection of ground water especially before the quarry is deepened below the water table and to ensure the sustainable control of surface water drainage in accordance with Policy 32 of the Local Development Plan.

Conclusion

As stated above, Periodic Review applications cannot be refused. They can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant. If the National Park Authority determines conditions different to those submitted by the applicant there is a liability for compensation to be payable by the Authority if any of the conditions impose a restriction on working rights.

Consideration is therefore limited to minimising the impact of the development

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on amenity and the environment without adversely affecting working rights and maximising the opportunities for enhancement of the ecosystems and biodiversity of the National Park during site restoration.

In this case, for the reasons outlined above it is considered that the application should not be granted and the conditions submitted by the applicant agreed, As greater protection of amenity and the environment and additional benefits in terms of biodiversity can be achieved by imposing conditions different to those submitted by the applicant but without imposing any restriction on working rights and giving rise to a compensation liability.

Recommendation

The application is approved subject to conditions different to those initially submitted by the applicant. These are set out as follows. The applicant has confirmed that he has no objection to these conditions.

1. The winning and working of minerals, the deposit of mineral waste and restoration at the site shall cease not later than 21 February 2042. A 5-year period of aftercare shall apply to all areas following completion of restoration.
Reason: The development is of a temporary nature; in accordance with the submitted documents and in order to ensure the satisfactory operation and restoration of the site in the interests of the special qualities of the National Park.
2. The development hereby permitted shall be carried out in accordance with the application and supporting documents received by the National Park Authority on 21st August 2014 unless amended by any of the following conditions.
Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.
3. Until such time as operations at the quarry permanently cease or this permission is superseded, copies of this decision notice and any other documents referred to in it shall be kept available at the site office (or in the operators head office where there is no site office) for inspection during permitted working hours. The existence and contents of these shall be made known to all operatives who are responsible for the matters referred to in the documents.
Reason: To ensure that operations at the site are carried out in accordance with the planning permission in the interests of conserving the amenity of the area and to ensure a satisfactory standard of reclamation compatible with the surrounding area.
4. The developer shall submit a revised working programme, phasing and progressive restoration plan for the approval of the Local Planning Authority 12 months from the date of re-commencement of quarrying at the site and every 5 years thereafter until the expiry of the planning

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permission or the permanent cessation of winning and working of minerals at the site, whichever is the sooner. Any revised programme shall not provide for the limits of working shown on drawing number SY10-3A to be extended and shall be implemented as approved.

Reason: To enable the NPA to manage the development of the site, to minimise its impact on the environment and the amenities of the local area and to maximise the opportunities for biodiversity enhancement.

5. Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures other than any detailed in the application, shall be erected, extended, installed, rearranged or altered at the site without the prior written permission of the Local Planning Authority.
Reason: The impact of fixed plant and machinery, buildings and structures on the amenity of the area and local residents in particular, has not been assessed as part of the application.
6. Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or with the prior written approval of the Local Planning Authority:-
 - a) no operations, other than water pumping, servicing, environmental monitoring, repair and testing of plant or other similar work, shall be carried out except between 0700 hours and 1900 hours on Mondays to Fridays, and 0700 and 1300 hours on Saturdays
 - b) no essential servicing or repair and testing of plant shall be carried out after 1900 and before 0700 hours on any normal weekday after 1700 hours and before 0800 hours on a Saturday or Public Holiday.
 - c) no operations on the periphery of the site or at high levels, or in unscreened locations, such as the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall be carried out except between 0800 hours and 1700 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays

The term 'emergency' means any circumstances in which the operator has reasonable cause for apprehending injury to persons or serious damage to property or the environment.

Reason: In the interests of conserving the amenity of the area and of local residents in particular.

7. Prior to any mineral extraction taking place below 25m AOD a detailed hydrological report and water features survey shall be submitted for the written approval of the National Park Authority. The report shall inter alia
 - a) Identify all groundwater abstraction and water features supported by groundwater, such as springs and watercourses within 500m of the

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quarry boundary

- b) Include at least 12 months groundwater level monitoring data from boreholes the locations of which are to be submitted and approved by the National Park Authority prior to their being drilled.
- c) Provide an assessment of the impact of quarrying and de-watering
- d) Include details of any monitoring and mitigation works identified as being required in the assessment carried out in compliance with (b) and (c) above
- e) Include timescales for the submission of practical mitigation measures should any monitoring identify any derogation of groundwater resources as a result of quarry operations.

Reason: to ensure that there is no derogation of groundwater resources in the area as a result of quarrying activity at the site.

8. Should any monitoring agreed in accordance with condition 7 above identify any derogation of groundwater resources as a result of quarry deepening or quarry dewatering, then practical mitigation measures shall be agreed in writing with the National Park Authority and implemented within 1 month of such agreement or at such other time as may be agreed by the National Park Authority.

Reason: To ensure that there is no derogation of groundwater resources in the area as a result of quarrying activity at the site.

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

Reason: To prevent pollution of the water environment.

10. All surface water run off from the catchment area of the site shall be captured within the site and controlled in accordance with a scheme to be submitted for the approval of the National Park Authority prior to any surface water being discharged from the site. The scheme shall be implemented as approved for the duration of mineral operations and restoration.

Reason: To prevent pollution of the water environment.

11. Any settlement ponds shall be kept in such order as to remain effective and the discharge of waste, oil and other pollutants to any settlement pond, ditch, stream, pond or lake, watercourse or other culvert is not permitted.

Reason: To protect groundwater resources and water supplies, in order to

prevent pollution of the water environment and to protect the environment.

12. Throughout mineral extraction and restoration operations, cut-off ditches shall be provided and retained above the working areas to intercept and direct clean water away from the site.

Reason: To prevent pollution of the water environment

13. No primary minerals, secondary/recycled aggregate, mineral waste or soils shall be imported into the site for disposal, storage, sale or processing/treatment.

Reason: In the interests of highway safety and in the interests of the amenity of the local area.

14. Prior to the re-commencement of mineral extraction at the site a visibility splay shall be provided and maintained on the north eastern side of the access to the quarry to give a clear line of sight of 33m along the nearside edge of carriageway from within 2.4m back from the channel on the centre line of the access road, and within these splays there shall be no growth or obstruction over 900mm above the level of the adjacent carriageway edge.

Reason: In the interests of highway safety.

15. Prior to the re-commencement of mineral extraction at the site the operator shall submit for the approval of the Local Planning Authority a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway, including provision for revision in the event of the scheme being ineffective. The scheme shall be implemented as approved and utilised during the period of operation of the quarry.

Reason: In the interests of highway safety and the amenity of the local area.

16. Prior to the re-commencement of quarrying operations at the site a 'No Left Turn' sign shall be erected at the site exit in accordance with a specification submitted to and agreed in writing by the National Park Authority.

Reason: In order to advise drivers to avoid driving HGV's through the village of Walwyns Castle in the interests of amenity and highway safety.

17. All HGV vehicles within the control of the operator shall not access the site through the village of Walwyns Castle.

Reason: In order to avoid driving HGV's through the village of Walwyns Castle in the interests of highway safety.

18. Prior to the re-commencement of quarrying operations at the site a full scheme of works for signage on the C3125 warning road-users of the quarry shall be submitted to the National Park Authority for its written approval. The scheme shall be implemented as approved.

Reason: In the interests of highway safety.

19. No loaded HGVs shall leave the site unsheeted except those only
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carrying stone in excess of 500mm.

Reason: In the interests of highway safety, amenity and the local environment

20. Prior to the re-commencement of quarrying operations a scheme and programme of measures for the suppression of dust, shall be submitted for the written approval of the Local Planning Authority. The scheme shall include inter alia:

- a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site
- b) The fitting of drilling rigs with efficient dust control measures
- c) Dust suppression on haul roads and access roads, including speed limits
- d) Provision for monitoring and review of the scheme

Such scheme shall be implemented as approved and complied with at all times.

Reason: In the interests of conserving the amenity of the area and local residents in particular.

21. Unless otherwise agreed in writing by the Local Planning Authority no blasting shall take place at the site except between 1000 and 1600 hours on Mondays to Fridays inclusive

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

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

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

23. No secondary blasting shall be carried out without the prior written agreement of the National Park Authority.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.

24. Prior to blasting taking place on the site, blast monitoring measures shall be implemented in accordance with a scheme to be submitted for the written approval of the Local Planning Authority. The scheme shall include

- a) Blast monitoring locations and frequency of monitoring
- b) The monitoring equipment to be used to record ground vibration and air

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overpressure

- c) Presentation of results
 - d) Procedures to be adopted if vibration levels are exceeded.
 - e) Procedures to be adopted if air overpressure levels are exceeded
- Reason:** To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.

25. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property not owned by the applicant the National Park Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

26. Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or with the prior written approval of the Local Planning Authority

- a) no drilling or secondary breaking of stone shall take place at the site except between 0800 and 1700 hours on Mondays to Fridays inclusive and between 0800 and 1300 hours on Saturdays
- b) there shall be no drilling or secondary breaking of stone on Sundays, Public Holidays or National Holidays

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

27. Between the hours of 0700 and 1900 Monday to Friday and between 0700 and 1300 hours on Saturdays, the noise level attributable to operations at the site, measured at any noise sensitive property not owned by the quarry owner or operator, shall not exceed 45 dB LAeq (1 hour) (free field) other than for activities covered by Condition 28 below. Outside these hours the noise level attributable to operations at the site shall not exceed 42 dB LAeq (1 hour) (freefield). 'Noise sensitive property' means occupied residential property or public buildings.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

28. The noise level attributable to operations on the periphery of the site or at high levels, or in unscreened locations, such as the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments at the site, measured at any noise sensitive property not owned by the quarry owner or operator, shall not exceed 50 dB LAeq (1 hour) (free field). These noise limits shall only apply for a maximum of 8 weeks in any calendar year unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site in the interests

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of conserving the amenity of the area and local residents in particular

29. All vehicles, plant and machinery operated within the site shall, at all times, be fitted with silencers in accordance with the manufacturers' recommendations and be so operated to minimise noise emissions. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

30. The best practical means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on site. This may include the fitting of 'smart' alarms to vehicles.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.

31. No alteration to, or removal of baffle mounds, acoustic fencing or other existing or future noise barriers at the site shall be carried out without the prior written agreement of the Local planning Authority.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.

32. Prior to the re-commencement of mineral extraction at the site a scheme for monitoring noise levels arising from the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide for:

- a) Noise monitoring locations and frequency of monitoring
- b) Details of equipment proposed to be used for monitoring
- c) Recording the details of plant and machinery working at the time of monitoring
- d) Logging of all weather conditions and wind direction
- e) Presentation of results
- f) The procedures to be adopted in the event of noise levels being exceeded.

Such scheme shall be implemented as approved and complied with at all times.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

33. Except in emergencies no lighting or floodlighting (temporary or permanent) shall be located on the site without the prior written agreement of the Local Planning Authority.

Reason: In order to conserve the amenities of local residents and because of the prominence of the site in the landscape.

34. The existing trees, bushes and hedgerows within the site (except those

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within the area of excavation) or on land within the applicants control, shall be retained and shall not be felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without such approval, dying, being severely damaged or becoming seriously diseased as a result of operations at the site shall be replaced with trees or bushes of such size and species, as may be specified by the National Park Authority, in the planting season immediately following any such occurrences

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular.

35. No removal of trees, bushes or hedgerows within the working area shall take place between 1 March and 31 August (inclusive) in any year unless a survey has been carried out by a suitably qualified person which demonstrates that breeding birds are not present. The survey shall be submitted to the National Park Authority for their written approval.

Reason: To ensure breeding birds are not disturbed by removal of habitat

36. A bat survey shall be carried out by a suitably qualified person and a report, including any mitigation measures deemed necessary, shall be provided for the written approval of the National Park Authority prior to
- a) The demolition or refurbishment of any existing structures on the site
 - b) The removal of any large deciduous trees with potential for use by bats.

All mitigation measures identified shall be carried out as approved.

Reason: In the interests of wildlife, biodiversity and the natural environment

37. From the date of this permission until final completion of the development, the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect *the same from damage*.

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular:

38. All topsoil and subsoil material shall be stripped from areas to be disturbed and shall be stored separately in mounds and shall be used for the restoration of the site unless otherwise agreed in writing by the Local Planning Authority. No topsoil or subsoil shall be sold or otherwise removed from the site.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

39. The developer shall notify the Local Planning Authority at least 72 hours prior to
- a) The stripping of soils,
 - b) the formation of final restoration ground profiles on any part of the site where the re-spreading of soils is to take place
 - c) the completion of topsoil replacement on any part of the site.

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Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

40. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To avoid incorporation of concentrations of decaying vegetation in the soil.

41. The stripping, movement and re-spreading of topsoil and subsoil shall be restricted to occasions when material is friable and the ground is sufficiently dry to allow the passage of heavy machinery and vehicles over it without damage to the soils.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area.

42. Soil storage mounds shall be located to ensure secure storage without loss or contamination, and shall be seeded to grass at the earliest opportunity and maintained thereafter accordance with good management practice.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area.

43. The topsoil and subsoil mounds shall be kept free of weeds and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.

Reason: To prevent the build up of harmful weed seeds in soils that are being or will be used in restoration.

44. Within 3 months of the finished formation of any soil storage mounds the location of each mound and the type and quantity of material in it shall be recorded and this information submitted to the Local Planning Authority.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

45. The top surfaces of all tips, soil mounds and storage mounds shall be sloped at a suitable gradient to encourage surface water drainage and prevent ponding and erosion. The maximum height of all soil storage mounds shall not exceed 3m above adjacent existing ground level for topsoil and 4m for subsoil.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

46. There shall be no stocking of minerals, soils or mineral waste in areas other than within the excavation and in those areas specifically defined for such purposes on plan SY10-02. Stockpiles shall not exceed 6m in height

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within the area coloured orange on the plan.

Reason: In the interests of amenity and the local environment.

47. Throughout the working life of the quarry the site shall be managed for species and habitat conservation. The management shall include the following:-

(i) areas where no quarrying activity (excavation, soil stripping, waste tipping, soil storage, siting of plant, equipment and offices) is to take place shall remain undisturbed to enable the natural colonisation of bare surfaces;

(ii) once excavations have reached the finished contours in any part of the site no further disturbance shall take place without the prior written approval of the Local Planning Authority;

(iii) artificial features such as good ledges, large cavities, holes and cracks shall be created in quarry faces once excavations have reached the finished contours, for use by birds and bats;

(iv) leaving exposed at the surface such geological profiles as may have been exposed and may be safely left.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

48. Soil placement, spreading and cultivating operations shall be carried out in such a manner as to minimise compaction within the soil profile.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of reclamation compatible with the surrounding area.

49. The applicant, site owners or operators shall obtain the written agreement of the Local Planning Authority in respect of the finished ground profiles following completion of the restoration operations.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of reclamation compatible with the surrounding area.

50. Not later than twelve months from the date when quarrying operations at the site have ceased permanently, all buildings, plant, machinery, access to the highway, internal roads, lagoons, drainage features, and any other equipment or installations shall be removed and their sites restored and re-vegetated in accordance with the approved restoration plan.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

51. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme and which in the

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opinion of the National Park Authority constitutes a permanent cessation, a revised scheme, to include all details of restoration and aftercare, shall be submitted in writing to the National Park Authority within 6 months of the permanent cessation of mineral working. The approved revised scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the National Park Authority.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

52. The developer shall notify the Local Planning Authority 7 days prior to
- a) The re-commencement of mineral extraction from the site
 - b) The termination of the extraction of minerals from the site.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

53. Any settlement ponds or other drainage features, when no longer required for pollution control shall be emptied of slurry and filled with dry inert material to agreed levels prior to covering with soils. Any proposal to retain settlement ponds as wetland areas must be submitted for the approval of the Local Planning Authority as part of the restoration proposals.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

54. Not later than fifteen years from the date of this permission the owner or operator of the quarry shall submit for the written approval of the Local Planning Authority detailed schemes for the final restoration and aftercare of the site. The site shall be reclaimed in accordance with the terms of approval of the schemes.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

55. Without prejudice to the totality of the restoration scheme, it shall include details of the removal of all plant, machinery, buildings, stockpiles, drainage ditches and lagoons, unless these are to be retained as wetlands, the re-grading of the site, and the spreading of soils or other growing media.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

56. Without prejudice to the totality of the scheme of aftercare, it shall include details of:-

- a) Planting and landscaping.
- b) Cultivations, seeding and management of woodland, shrubs, and grassland, in accordance with the rules of good husbandry.

- c) The duration of the aftercare period.
- d) Grazing management, where appropriate.
- e) Any other agricultural, silvicultural or conservation treatment particularly relevant to the site.
- f) The creation, management and maintenance of any paths, tracks, and roads.
- g) Maintenance and management of drainage features, ponds and wetlands.
- h) At least once a year the site operators shall arrange a formal review to consider the aftercare operations which have taken place on the land during the previous year, and the programme of management for the following year. The parties invited to this review shall include the Mineral Operator, the owner(s) of the land, the occupier(s), the Mineral Planning Authority, Natural Resources Wales.
- i) At least four weeks before the date of each annual review the operator shall provide the Mineral Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.

Reason: In the interests of conserving the amenity of the area and to ensure a satisfactory standard of restoration compatible with the surrounding area

57. Within 6 months of the date of re-commencement of mineral extraction at the site the operator shall invite representatives of the National Park Authority, Walwyns Castle Community Council and local residents to attend site liaison committee meetings at the site or such other location as may be advised. The functions of the Committee shall include the discussion of site operations, restoration, and traffic movement. The developer shall convene meetings at intervals of six months or at other intervals as may be agreed with the National Park Authority, shall keep a record of the proceedings and shall distribute copies of that record to each organisation and individual invited to attend.

Reason: to provide a forum for discussion between the quarry operator, the National Park Authority and the local community which will provide an opportunity to identify and remedy any impacts of quarrying on the community.

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Application Boundary



PROJECT:

Syke Quarry: EA95 Review of Mineral Permission

Drawing:

Application Boundary

Drawing No:

SQ/02

Scale:

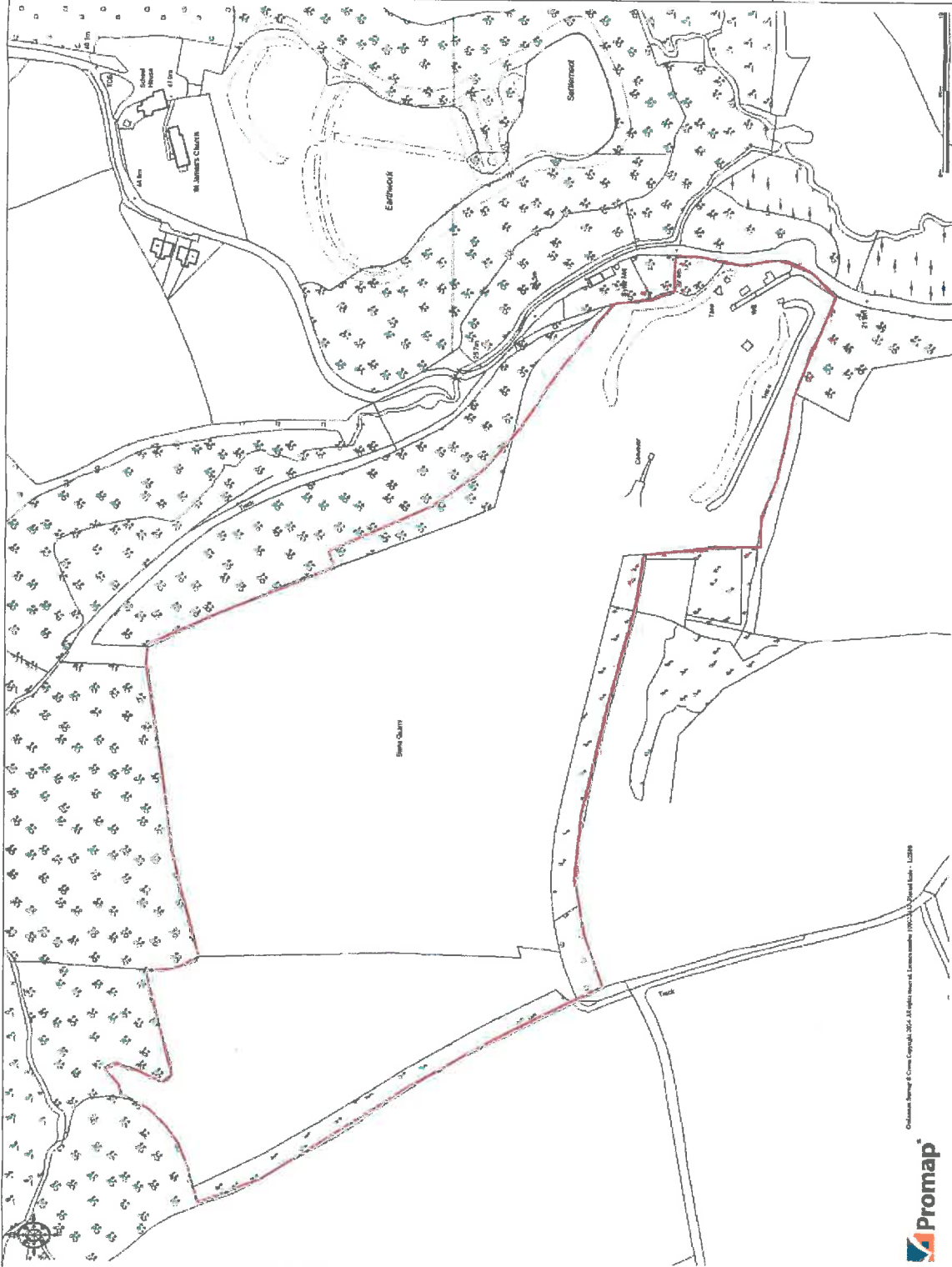
1:2500 at A3

Date:

August 2014

Drawn:

SRC



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