

COUNTY OF DEVON
ENVIRONMENT ACT 1995
Section 96 and Schedule 13

**DETERMINATION OF CONDITIONS
IN RESPECT OF OLD MINERAL PLANNING PERMISSION(S)**

To: Mr. T. Clotworthy,
of: Hanson Aggregates Ltd., Gilbert House, Grace Road, Exeter, EX2 8PU.

Agent for:

of:

The Devon County Council hereby determines the conditions to which the following planning permission(s) (described in the application for approval of conditions dated 2nd December 1998 is/are to be subject:-

<i>Planning permission ref.</i>	<i>Date</i>	<i>Description</i>
42	06/12/50	Winning & working minerals
SC/273	11/07/63	Working minerals
SC/421	08/07/63	Tipping of spoil
5/8/0728/32/4	11/11/81	Working minerals
84/0297/32/4	20/03/84	Extension of quarrying for winning and working minerals.

in respect of: **Whitecleaves Quarry, Buckfastleigh**

The conditions to which the above planning permission(s) is/are to be subject shall be as set out in the attached sheets (numbered 1 to 7), and these conditions shall be in substitution for the conditions previously imposed upon the above permission(s).



Edward Chorlton
County Environment Director

Date 5 FEB 2002

NOTE

This is not a decision under the Building Regulations

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

continued over

OVERALL CONTROL

TIME LIMITS

1. The development to which this permission relates shall cease on 22nd February 2042 and the site shall be restored in accordance with the requirements of the conditions detailed below by this date

Reason: To comply with Schedule 5 of the Town and Country Planning Act 1990.

DEVELOPMENT ACCORDING TO SUBMITTED PLANS

2. The development hereby approved shall be carried out in strict accordance with the Approved Plans referenced W105m/12b, W105m/13a and W105m/14a, unless otherwise agreed in writing with the Mineral Planning Authority. Winning and working of minerals and the tipping of mineral waste shall be restricted to the area of Phases A,B,C and D shown on Approved Plan Ref: W105m/12b.

Reason: To enable the Mineral Planning Authority adequately to control the development.

IMPORTATION OF MATERIALS RESTRICTION

3. No materials for the purpose of storage, processing or resale shall be imported into the site unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In order to limit the development to the extraction of mineral and to prevent the unnecessary increase in traffic attracted to the site in the interest of local amenity and highway safety.

WASTE IMPORTATION RESTRICTION

4. No refuse, waste or other imported materials shall be deposited on any part of the Mineral Site unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of local amenity and to prevent the unnecessary increase in traffic attracted to the site while mineral operations are continuing.

WORKING PROGRAMME

HOURS OF WORKING

5. No mineral extraction, movement of heavy goods vehicles to and from the site, or other operations hereby permitted shall be carried out on the Mineral Site, other than between:

- 0700 and 1900 hours Mondays to Fridays inclusive,
- 0700 and 1300 hours on Saturdays
- No such operations shall take place on Sundays or on the following public holidays:

New Year's Day	Spring Bank Holiday
Good Friday	Summer Bank Holiday
Easter Monday	Christmas Day
May Day Holiday	Boxing Day

and any other Public Holidays as may subsequently be declared.

For the avoidance of doubt:

This condition shall not, however, operate so as to prevent the carrying out, outside their working hours, of essential maintenance to plant and machinery on the Mineral Site, or the operation of pumps and ancillary machinery for water management purposes, providing this is operated in accordance with a scheme to be submitted to and approved by the Mineral Planning Authority in accordance with Condition 16.

Reason: To enable the Mineral Planning Authority adequately to control the development and to protect the amenities of the local environment.

CONTROL OF DUST

6. Unless otherwise agreed in writing with the Mineral Planning Authority, a scheme for the suppressions of dust emanating from the Mineral Site shall be submitted for approval to the Mineral Planning Authority within 3 months of the date of this Decision Notice. Once approved, the scheme (or any other subsequently approved by the Mineral Planning Authority) shall be implemented and the development shall be carried out in strict accordance with the scheme at all times.

Reason: In the interests of the amenities of the local environment.

MUD AND DUST ON ROADS

7. Effective precautions shall be undertaken for the duration of operations hereby approved to prevent mud, water, dust and other debris originating from the Mineral Site being deposited on the public highway in accordance with a scheme that shall have been submitted to the Mineral Planning Authority within three months of the date of this Decision Notice. The Approved Scheme shall be implemented on approval and complied with at all times.

Reason: In the interests of highway safety.

SHEETING OF LORRIES

8. All heavy commercial vehicles leaving the Mineral Site shall be sheeted or have their loads totally enclosed before entering the public highway, unless otherwise agreed in writing with the Mineral Planning Authority.

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

CONTROL OF NOISE

9. Noise emitted from the Mineral Site shall not exceed 55 dB(LAeq) (one hour) freefield between 0700 and 1900 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays and shall not exceed 45dB(LAeq) (one hour) at any other time as measured at any occupied residential building not in the control of the operator.

Noise limits may exceed these limits between the hours of 0900 and 1700 Monday to Friday inclusive for temporary periods during bund construction, soil stripping, removal of spoil heaps and the construction of new permanent landforms with the prior agreement in writing of the Mineral Planning Authority.

Reason: To protect the amenities of the local area.

VEHICLE SILENCING

10. All vehicles, plant and machinery operated within the Mineral Site shall be maintained in accordance with the manufacturers specifications at all times and shall be fitted with and use effective silencers.

Reason: To ensure disturbance from operations and the avoidance of nuisance to the locality.

11. No secondary blasting shall be carried out within the Mineral Site.

Reason: To protect the amenities of the surrounding environment.

12. Prior to any blasting occurring during the period 1st April to 31st August each year the operator shall undertake a survey to confirm the presence of specially protected species within the Mineral Site. If such presence is confirmed, the operator shall advise the Mineral Planning Authority in writing of the findings of the survey and any necessary measures to avoid this disturbance before implementing them prior to blasting.

Reason: In order to avoid disturbance to specially protected species.

13. Within three months of the date of this Decision Notice a scheme of blasting shall be submitted for approval to the Mineral Planning Authority. The scheme shall include times of blasting, frequency, methods to warn of blast occurrences and methods to prevent flyrock. Once approved, the scheme (or any other subsequently approved by the Mineral Planning Authority) shall be implemented and all blasting shall be carried out in strict accordance with the scheme at all times.

Reason: To protect the amenities of the area.

CONTROL OF GROUND VIBRATION

14. Ground vibration from blasting shall not exceed a peak velocity of 9.5mm per second, as measured at any building not in control of the operator, in 95% of all blasts, with no single blast exceeding a resultant peak particle velocity of 12mm per second as measured at any building not in the control of the operator.

Reason: To protect the amenities of local residents and wildlife.

CONTROL OF AIR OVERPRESSURE

15. Vibration from the operations hereby permitted, in terms of the measurable air overpressure at any building not in the control of the operator, shall not exceed 120 decibels.

Reason: To protect the amenities of local residents.

ENVIRONMENTAL MONITORING

16. Within three months of the date of this Decision Notice, a monitoring scheme shall be submitted for approval to the Mineral Planning Authority specifying the arrangement for the monitoring of noise, ground vibration, air overpressure and the procedure for dealing with any complaints received on these matters. Monitoring records and the recording of complaints shall be kept and be made available upon request by officers of the Mineral Planning Authority.

Reason: To protect the amenities of local residents.

LIQUID STORAGE FACILITIES

17. Any oil, fuel or lubricant shall be stored in suitable tanks and containers and shall be sited on impervious bases and surrounded by impervious bund walls. The bunded compound(s) shall be of sufficient height and construction so as to contain 110% of the contents of the largest of such tanks or containers, or any series of connected tanks and containers. All filling points, vents and valves shall be located within the bund. The drainage system of the facility shall be sealed with no outlets to any watercourse, land or underground strata. The facility shall be maintained in good order so that no significant amounts of fluid lie within the bunded area and all fluids removed shall be disposed of using best practicable means so as to minimise the risk of pollution.

Reason: To prevent contamination of potential reclamation materials.

CONTROL OF SURFACE WATER

18. All surface water emanating from the Mineral Site shall be collected in a settlement area(s) to allow the settling out of silt before discharge into a local watercourse.

Reason: In the interests of the local environment and wildlife conservation.

PROTECTION OF EXISTING TREES AND VEGETATION

19. Clearance of existing vegetation shall not be undertaken during the period 1st March to 31st July without the prior written approval of the Mineral Planning Authority. The existing trees and bushes within the Mineral Site not scheduled for immediate removal shall be retained and shall not be felled, lopped or topped or subject to damage in areas outside of the area of mineral working/tipping of mineral waste, without the prior written consent of the Mineral Planning Authority. Existing trees and shrubs not scheduled for removal shall be protected from damage by fencing or other structures in accordance with a scheme that shall be submitted for approval to the Mineral Planning Authority within 6 months of the date of this Decision Notice in compliance with Condition 21(iv) of this Decision Notice.

Reason: In the interests of the local environment and wildlife conservation.

TREE FELLING/MANAGEMENT

20. Prior to any clearance of trees the operator shall carry out a survey to ascertain whether bats are present. The operator shall notify the Mineral Planning Authority of the outcome of the survey before felling operations are programmed to commence. Trees where the presence of bats and bat roosts is suspected or confirmed shall be retained and protected from damaging activities.

Reason: In order to protect specially protected species (bats).

SUBMISSION OF MANAGEMENT SCHEMES

21. Within 6 months of the date of this Decision Notice, a management scheme shall be submitted for approval to the Mineral Planning Authority for the area outside of the working phases (shown on Approved Plan W105m/12b). This scheme shall specify the following matters and give a timetable for their implementation,:

- (i). Surface water management;
- (ii). Management of the trees and bushes on the north-west slopes adjacent to the A38;
- (iii). Management of wildlife, particularly to benefit bat usage of the Mineral Site;
- (iv). The protection from damage of existing trees and shrubs not scheduled for removal by fencing or other structures;
- (v). Management of the open areas and old roadways on the western side of the Mineral Site to promote glades of short perennial and scrub vegetation;
- (vi). Retention, modification and security of the existing shed (shown on Approved Plan W105m/14a) to continue its use by roosting bats
- (vii). The control of bracken, and maintenance of the unimproved neutral grassland in the southern part of the Mineral Site to promote nature conservation;
- (viii). The treatment of the old plant and stockpile area adjacent to the elevated A38 to include removal and/or landscaping of the concrete structures;
- (ix). Treatment of the existing quarry faces to promote revegetation;
- (x). Treatment of the tips areas on the eastern perimeter of the Mineral Site;

Once approved, the scheme (or any other subsequently approved by the Mineral Planning Authority) shall be implemented and the development shall be carried out in strict accordance with the scheme at all times.

Reason: In the interest of local amenity and to promote wildlife interest, the conservation of specially protected species (bats) and to promote the biodiversity of the Mineral Site.

RESTORATION

SOIL EXPORTATION RESTRICTION

22. No topsoil or subsoil shall be removed from the area of the Mineral Site.

Reason: To ensure maximum availability of soil materials for restoration work.

MOVEMENT OF SOILS

23. Movement of soils shall only be carried out during periods when the soils are in a suitably dry and friable condition. All soils stripped from the Mineral Site shall be transported and stored separately so as prevent them becoming mixed and shall be kept free from contamination and shall be used for covering and restoration work in accordance with the restoration scheme described in Condition 25.

Reason: To prevent the degradation of existing soils so as to ensure that adequate and suitable material is available to reinstate the Mineral Site upon completion of operations.

SOIL STORAGE

24. Subsoil and topsoil heaps shall not exceed 3 metres in height unless otherwise agreed in writing with the Mineral Planning Authority, and shall be graded, seeded with grass and all necessary steps shall be taken to control weeds at an early stage of growth to prevent their seeding.

Reason: To ensure that stored soils are maintained in a condition which will offer maximum benefit to the restoration works.

RESTORATION SCHEME

25. Within five years of the date of this Decision Notice, or such longer period as may be agreed in writing with the Mineral Planning Authority, a restoration scheme shall be submitted for approval to the Mineral Planning Authority. The scheme shall specify the following matters, and shall include a programme for their implementation:

- a) Details of the final slope profiles;
- b) Details of the treatment of the water edges to promote wildlife;
- c) Details of treatment of the wetland area to promote wildlife;
- d) Proposals to remove any structures and erections in connection with the operation of the Mineral Site;
- e) Details of treatment and retention of existing shed (shown on Approved Plan W105/14a) to continue its use by roosting bats;
- f) Details of preparation of the land surface(s) before soiling;
- g) Depth and method of spreading and preparation of soils;
- h) Details of proposed land drainage works;
- i) Details of the preparation of the ground surface before planting;
- j) Details of the proposed planting including size and species, spacing and maintenance arrangements;
- k) Protection of the area of established vegetation;

- l) Details of access provision;
- m) Proposed management arrangements to promote long term nature conservation interest.

The development shall only be carried out in accordance with the Approved Scheme.

Reason: To ensure that the land is restored to a condition capable of beneficial after-use at an early date, to safeguard local land drainage interests, the interests of amenity and to protect the rural character of the area.

REPLACEMENT OF DEAD/DISEASED LANDSCAPING

26. Any tree, hedgerow, bush or shrub planted, or any seeding carried out in pursuance of the Decision Notice which dies, becomes diseased or seriously damaged during the duration of this permission and subsequent aftercare period shall be replaced in the next planting season with another of similar size and species or seed mix, unless previously agreed in writing with the Mineral Planning Authority.

Reason: In the interests of amenity and wildlife conservation.

RESTORATION IN EVENT OF CESSATION OF WORKING

27. In the event of any cessation of winning and working of minerals prior to the achievement of the final agreed levels indicated in the Approved Plans, which, in the opinion of the Mineral Planning Authority, constitutes a prior permanent cessation with in terms of Schedule 9 of the Town and Country Planning Act, 1990, the site shall be reinstated to a condition suitable for woodland and/or amenity (meaning nature conservation) unless otherwise agreed in writing with the Mineral Planning Authority.

This reinstatement shall be in accordance with a scheme which shall be submitted to the Mineral Planning Authority within 3 months of the notification that in the Mineral Planning Authority's opinion the operations have permanently ceased. The scheme shall incorporate the maintenance of such drainage measures as may be necessary to establish control of pollution and satisfactory surface water run-off, together with the removal of any temporary structures formed or erected in connection with the operation of the Mineral Site and shall include restoration and aftercare works and a timetable for their completion. The Scheme shall be implemented on approval.

Reason: To ensure appropriate restoration and to secure against loss of amenity to the locality from unfinished works.

AFTERCARE

AFTERCARE SCHEME

28. Within five years of the date of this Decision Notice, or such longer period as may be agreed in writing with the Mineral Planning Authority, an aftercare scheme shall be submitted for approval to the Mineral Planning Authority. The submitted scheme shall specify such steps to be taken, and the periods during which they will be taken, to bring the land to the required standard for use for agriculture, forestry, or nature conservation which shall be carried out for a period of five years following completion of restoration operations.

Reason: To ensure that the land is restored to a condition capable of beneficial use.

OFFICIAL NOTIFICATION AND KEEPING OF RECORDS

NOTIFICATIONS

29. The developer shall notify the Mineral Planning Authority in writing within one month of the dates of commencement/completion of the following:

- (i). Completion of working in Block A (shown on Approved Plan W105m/12b).
- (ii). Commencement of working in Block B.
- (iii). Completion of working in Block B.
- (iv). Commencement of working in Block C.
- (v). Completion of working in Block C.
- (vi). Commencement of working in Block D.
- (vii). Completion of winning and working minerals (shown on Approved Plan W105m/13a).
- viii). Completion of restoration works (shown on Approved Plan W105m/14a).
- ix). Commencement of aftercare.
- x). Completion of aftercare period.

Reason: To enable the Mineral Planning Authority to control the development and to monitor the site.

OTHER CONDITIONS

REMOVAL OF SCRAP

30. Within six months of the date of this Decision Notice, all scrap machinery, metals, redundant structures and materials not of direct or immediate use for the operations hereby permitted shall be removed from the Mineral Site.

Reason: To protect the amenities of the area and to promote good management practices.

FENCING

31. For the duration of the operations hereby permitted, the active area of the Mineral Site shall be surrounded by fencing so as to prevent the entry of livestock.

Reason: To protect the interests of users of adjacent land.

FLOODLIGHTING

32. No external floodlighting shall be used on any part of the Mineral Site unless previously agreed in writing with the Mineral Planning Authority.

Reason: In the interests of the amenities of the local environment.