

**5 DCCW2007/0871/M - PROPOSED SOUTHERN  
EXTENSION TO OPERATIONS AT WELLINGTON  
QUARRY, MARDEN LANE, WELLINGTON,  
HEREFORDSHIRE**

**For: Tarmac Limited per SLR Consulting Ltd., SLR  
House, Meadowbank Way, Eastwood, Nottingham,  
NG16 3TT**

**Date Received: 19th March, 2007**

**Wards: Sutton Walls  
and Wormsley Ridge**

**Grid Ref: 50667, 46682**

**Expiry Date: 18th June, 2007**

Local Members: Councillors KS Guthrie and AJM Blackshaw

**1. Site Description and Proposal**

- 1.1 Almost all of the application site lies in Moreton-on-Lugg parish, to the north of the village and approximately 6 kilometres northwest of Hereford. It comprises a roughly rectangular block of land on a north/south axis, of about 38.7 hectares.
- 1.2 Adjoining to the north are existing sand and gravel workings lying in Wellington Parish; the parish and ward boundary bisects the wider quarry site. On the eastern boundary, mature hedgerows, drainage ditches and fields separate the application site from the main Hereford-Manchester railway line, from which a spur line runs in through the gravel workings to serve the quarry. The River Lugg lies about 200 metres further east. South lies a strip of agricultural land between the application site and the northern fringes of Moreton-on-Lugg village. On the west lies Long Coppice and Moreton Business Park.
- 1.3 The proposal is to extend Wellington/Moreton Quarry in both area and working time by extracting a further 1.46 million tonnes of sand and gravel at about 150,000 - 200,000 tonnes per annum, phased with the existing permitted quarry reserves. This would extend activity at the quarry by about 10 years, during which restoration of the land to nature conservation would be progressive, creating a mixture of species-rich grass meadows, landscaped wetland habitats and open water.
- 1.4 The application is accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations as amended in 2000 (the EIA regulations). It was publicised by advertisement in the Hereford Journal on 11th April, 2007. Site notices were put up and neighbours notified directly by letter.

**2. Policies**

- 2.1 Central Government Guidance:

Minerals Policy Statement 1 (MPS1) - Planning and Minerals

Minerals Planning Statement 2 (MPS2) – Controlling and Mitigating the Environmental Effects of Mineral Extraction in England  
 Minerals Planning Guidance 7 (MPG7) – Reclamation of Mineral Workings  
 Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development  
 Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas  
 Planning Policy Statement 9 (PPS9) – Biodiversity and Geological Conservation  
 Planning Policy Guidance 13 (PPG13) – Transport  
 Planning Policy Guidance 15 (PPG15) – Planning and the Historic Environment  
 Planning Policy Guidance 16 (PPG16) – Archaeology and Planning  
 Planning Policy Guidance 24 (PPG24) – Planning and Noise  
 Planning Policy Statement 25 (PPS25) – Development and Flood Risk

## 2.2 Regional Planning Guidance:

The West Midlands Regional Spatial Strategy (RSS) (formerly RPG 11).

## 2.3 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy S9	-	Minerals
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy E15	-	Protection of Greenfield Land
Policy T4	-	Rail Freight
Policy T8	-	Road Hierarchy
Policy LA2	-	Landscape Character
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora

Policy ARCH1	-	Archaeological Assessment and Field Evaluations
Policy ARCH4	-	Other Sites of National or Regional Importance
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Enhancement and Improved Access to Archaeological Sites
Policy ARCH8	-	Enhancement and Improved Access to Archaeological Sites
Policy M3	-	Criteria for New Aggregate Mineral Workings
Policy M5	-	Safeguarding Mineral Reserves
Policy M7	-	Reclamation of Mineral Workings

#### 2.4 Material Considerations:

The Conservation (Natural habitats & c) Regulations 1994  
Homes for the Future: more affordable, more sustainable. Department of the Communities and Local Government, July 2007 (Green Paper)  
Regional Spatial Strategy Phase 2 - Final Preferred Options and Proposed Submission to the Secretary of State (22 October 2007)  
Collation of the results of the 2005 Aggregates Mineral Survey for England and Wales (May 2007)  
Natural Environments and Rural Communities Act 2006 - (NERC Act)  
Hereford and Worcester Minerals Local Plan 1997 (now superseded)  
Herefordshire Landscape Character Assessment adopted 2004

### 3. Planning History

#### 3.1 The current planning permissions comprise:

DCCW2005/1242/M: Variation of Conditions Nos. 3, 6, 11, 15, 23, 25, 29 and 30 of planning permission H&WCC Ref. 407393 to merge operations at Wellington and Moreton Quarries: Permission granted 18th October 2005.

DCCW2005/1243/M: Variation of Conditions Nos. 2, 3, 4, 7, 8 and 9 of planning permission Ref. CW2002/3058/M to merge operations at Wellington and Moreton Quarries: Permission granted 18th October 2005.

These two permissions superseded all previous, although mineral extraction from Wellington Quarry has continued since 1985 under successive planning permissions and operators. The relevant historic details follow.

#### 3.2 In 2001/2, Tarmac (then Tarmac Western Ltd.), acquired an interest in part of the former army ordnance depot at Moreton. They established a railhead under planning permission reference CW2001/3080/M with some revisions under planning permission reference CW2002/3190/M, followed by a new planning permission reference CW2002/3058/M to extract around 200,000 tonnes of sand and gravel per annum from Moreton over 10 years, also providing for additional processing plant, ready-mixed concrete batching and block making. Access would originally have been via a new roundabout on the A49(T).

#### 3.3 In 2004, Tarmac acquired the adjacent main Wellington Quarry and in 2005 were granted the two most recent planning permissions identified at paragraph 3.1 above, to merge the two hitherto separate quarries, providing for a consolidated extraction programme to be developed utilising the railhead, existing processing plant and the single existing site access in Marden Lane on the quarry's northern boundary. In

Tarmac's view this precluded the need for the additional roundabout on the A49(T) noted above, as no new access would be required. The Council agreed.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Environment Agency: Initial objection (17th May 2007) on surface water, flood risk and biodiversity issues, requesting further information and an 'Appropriate Assessment' under the Habitats Directive, to evaluate the potential for adverse effects on the Rivers Lugg and Wye Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Following further flood risk/drainage information the objection has been lifted subject to recommended conditions. On biodiversity, the Agency have responded that the Appropriate Assessment is acceptable and that the development is unlikely to cause any significant environmental harm to the River Lugg. Natural England have also accepted the Appropriate Assessment, recommending a condition to prevent an increase in suspended sediment in the river. Any further comments from either the Agency or Natural England will be reported verbally.
- 4.2 English Heritage: Initial caution, subject to commission of an archaeological assessment taking into account other relevant archaeological resource assessments. They would wish to be consulted on this.
- 4.3 Government Office for the West Midlands: Acknowledgement of receipt.
- 4.4 Highways Agency: No objection.
- 4.5 Natural England (DEFRA): No comment.
- 4.6 Advantage West Midlands: Support in principle. They comment that the site lies within the Rural Regeneration Zone, which promotes a diverse and dynamic business base through regional investment. They consider the development meets 'Pillar 1: Developing an Environmental Economy' (realising the economic asset of the site through sustainable development) and 'Pillar 3: Creating the Conditions for Growth' of the West Midlands Economic Strategy. In their view, 'expansion of minerals extraction is appropriate and the proposal is regarded as a positive [economic] use of the land [and its] potential contribution to economic growth in the region'.
- 4.7 West Midlands Regional Assembly (WMRA): The application conforms with the Regional Spatial Strategy (RSS) subject to the development being capable of compliance with RSS Policy M1 (vii) by ensuring the proposed biodiversity improvements are achievable and deliverable. The WMRA recognise the short to medium term impacts on local communities but also the long term restoration and economic benefits. The application appears to present an acceptable balance between Rural Renaissance objectives.

##### Non-statutory Consultees

- 4.8 Council for the Protection of Rural England (CPRE): Consider the development appears to conflict with UDP Policy S9 Minerals (1 and 2). Request conditions to

protect residential amenities and environmental quality, ensure pre-development mitigation measures and site restoration without imported materials.

- 4.9 Earth Heritage Trust: Support; opportunity to increase geological knowledge.
- 4.10 Forestry Commission: No objections; no impact on Long Coppice.
- 4.11 Woodland Trust: Object; They consider that the proposals conflict with Policies M3 and LA5 due to likely damage to Long Coppice. In particular they are concerned that development would:
- (i) Isolate and fragment the Coppice and be a barrier to species dispersal;
  - (ii) Introduce noise and light intrusion;
  - (iii) Have potential for hydrological changes;
  - (iv) Create dust;
  - (v) Disturb fauna.
- 4.12 Health and Safety Executive: Forwarded the consultation to the Quarry Inspector. Any further response will be reported orally.
- 4.13 National Grid (formerly Transco): No objection subject to accurate tracing of the high pressure gas pipeline and agreed safe working methods in its vicinity.
- 4.14 Network Rail: No objection, wish to be kept informed and to have a copy of the decision notice.
- 4.15 River Lugg Internal Drainage Board: Initial objection pending further clarification; they consider the discharge of groundwater into watercourse is unacceptable because the workings are close to an international designated site of environmental importance (River Lugg SSSI/SAC). [Note, this objection has since been lifted following liaison between the Board and the applicants].
- 4.16 Herefordshire Nature Trust: Any response will be reported orally.
- 4.17 Hyder/Welsh Water: Any response will be reported orally.
- 4.18 Royal Society for the Protection of Birds: Any response will be reported orally.

#### Internal Council Advice

- 4.19 County Archaeologist: The site is of high archaeological potential and an evaluation is required prior to determination of the application, under PPG16 and Herefordshire Unitary Development Plan 2007 Policy ARCH1.
- 4.20 Conservation Manager: Comments as follows:
- a) Historic Buildings Officer: No objection.
  - b) Planning Ecologist: Need to secure further ecological surveys and undertake an Appropriate Assessment due to the proximity to the River Lugg SSSI/SAC, and for mitigation issues to be taken on board.
  - c) Landscape Officer: No objection, subject to conditions to secure advance planting along the [revised] southern boundary, a buffer zone between the eastern and western boundaries and any development, and an appropriate approved restoration scheme.

- 4.21 Head of Environmental Health & Trading Standards: No objection.
- 4.22 Forward Planning Manager: No objection; the application appears to comply with Herefordshire Unitary Development Plan 2007 Policy M5 (Safeguarding Mineral Reserves); note that Policy M7 (Reclamation of Mineral Workings) requires an acceptable after -se and an appropriate contribution to Biodiversity Action Plan targets.
- 4.23 Drainage Engineer: No objection.
- 4.24 Transport Manager: No objection; no increase in traffic.

## 5. Representations

- 5.1 Marden Parish Council: No objection in principle; would wish to see widening and upgrading of Marden Lane as previously discussed, engineering to prevent vehicles turning right when leaving the quarry and consideration of the prospect of planning gain.
- 5.2 Moreton-on-Lugg Parish Council: No objection in principle subject to:
- Conditions to secure the recommended mitigation highlighted within the planning application;
  - Advance planting of the southernmost proposed hedgerow;
  - A buffer zone alongside Long Coppice to protect tree roots and the water table;
  - Planning gain for Moreton;
  - Moving the initially proposed southern boundary 100 metres north to safeguard amenities.
- 5.3 Wellington Parish Council: No objection. Request that improvements to Marden Lane be achieved through this application opportunity.
- 5.4 Representations have been received from three local residents:
- Jane Keating, Church House, Marden, Hereford, HR1 3EN.
  - Gordon H. Jones, 70 St. Peters Close, Moreton-on-Lugg, Hereford, HR14 8DN.
  - B. Pearson, 3 Orchard Close, Moreton-on-Lugg, Hereford, HR4 8DG.
- 5.5 Their comments and questions are summarised as follows:
- The proposed site boundary comes within 240 metres from residential properties [in Moreton].
  - There is a potential for noise, dust, odours and light disturbance.
  - What are the proposed limitations in respect of hours/days of working?
  - Would traffic be routed through the village?
  - House prices could be blighted.
  - Need for appropriate screening.
  - There is no need for additional quarrying/local quarries to supply local needs.
  - What effects would there be on Marden Church SSSI?
  - Would the development affect river levels or other existing licences for taking water?

The full text of these letters can be inspected at Minerals & Waste Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 An Environmental Statement accompanies the application. This was compiled and submitted just before the adoption of the Herefordshire Unitary Development Plan (HUDP) in March 2007. In anticipation of the HUDP's imminent adoption it gives very little weight to the now superseded South Herefordshire District Local Plan, the Hereford and Worcester County Structure Plan and the Minerals Local Plan. It is therefore relevant to current policies and assesses the following key considerations:

- Need for the development and alternatives;
- Quarry activities, including relationships to existing minerals operations, site preparation, infrastructure, working methods operating hours, lighting;
- Restoration proposals;
- Geology and soils;
- Hydrology and hydrogeology, including flood risk;
- Landscape and visual impact;
- Ecology
- Highways, traffic, rail use and public rights of way;
- Noise;
- Air quality (dust);
- Archaeology;

These headings cover all the main issues for consideration so this appraisal will follow the same format, adding any further comments at the end.

### 6.2 Need for the development and alternatives

6.2.1 The West Midlands Regional Spatial Strategy (RSS) 2001–2021 was approved by the Secretary of State in 2004, setting a regional policy framework for strategic development including minerals. It gives apportionments for aggregate supply by each county, based on annual survey figures and translated at local level through the HUDP 2007 until 2011. Herefordshire's annual apportionment is currently 283,000 tonnes, to be provided from its landbank (the total of permitted reserves for a particular mineral). The RSS is however being reviewed, and will develop regional policy for aggregate production up to 2026.

6.2.2 MPS1 (Paragraph 4.1 of Annex 1) requires Minerals Planning Authorities to maintain a landbank of at least 7 years' supply to meet regional apportionment targets, but notably no maximum figure is imposed. According to the preamble to HUDP 2007 policy S9, Herefordshire's landbank is predicted to meet or exceed that figure, assuming a steady supply based on current regional apportionments to 2011. Recent estimates indicate reserves of about 4.7 million tonnes at 31.12.07; approximately 16 years' supply. On this expectation, HUDP 2007 policy M3 removed the concept of 'preferred areas' within which applications for new minerals sites would be viewed favourably. Instead, it provides for any emerging shortfall by a requiring an assessment of proposals under a robust regime of primary and secondary constraints to prevent environmental damage.

6.2.3 Paragraph 72 of the Practice Guide accompanying MPS1, states that where landbanks are already sufficient consideration of applications should be based on 'effective management, local demand and realistic supply'. In particular, predictions of future increases in demand, aggregate quality, and market proximity should be taken into account. Economic viability of sites and reserves is an important factor, generating a need for flexibility in order to provide an 'adequate and steady supply' of material of the correct quality to develop the infrastructure needed for sustainable

development. The applicants acknowledge the county's generous landbank but argue that there are logistical issues that merit further consideration. In their view, the quality of permitted minerals reserves at St Donats and Upper Lyde is poorer than at Wellington, involving additional waste arisings and limitations as to their potential use. These sites would also increase traffic on the A49(T), A4110 and minor roads. They further argue for the expediency of utilising established plant and infrastructure at Wellington, rather than constructing new plant elsewhere or transporting material in for processing. These arguments address the issues of potential oversupply that were raised by the CPRE.

- 6.2.4 In a further supporting letter dated 25th October 2007, the applicants highlight quality standards for ready-mixed concrete production. Some Wellington products are shipped out and others brought in to achieve specifications. The letter points out that the original Wellington quarry is virtually exhausted, while Moreton's permitted reserves amount to about 1.6 million tonnes at the end of 2007. There is, they suggest, a fairly narrow window of opportunity to incorporate the proposed southern extension into the phased extraction sequence using existing infrastructure, before the working area progresses beyond the point at which the two sites could join. Once that happened, the valuable gravel resource in the proposed extension area would be sterilised, and cut off from future development by the resulting lakes. The letter asserts that permitting the extension would be justifiably logical, in particular because
- There would be no significant environmental impacts;
  - Wellington's established plant/processing does not generate complaints;
  - The A49(T) is readily accessed without passing residential properties;
  - The extension proposal would be sustainable in that it would delay final removal of the recently completed Moreton railhead;
  - It would allow for the creation of an area of linked habitats on a sufficiently significant scale to provide long-term realistic biodiversity gains;
  - The local economy and employment, including housebuilding, would benefit from the continuing supply of a proven local resource.

The full text of this letter can be inspected at Minerals & Waste Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

- 6.2.5 The West Midlands RSS Phase 2 revision (Preferred Options) anticipates increases in regional housing needs and allocations up to 2026, involving at least 16,600 new houses or 830 annually for Herefordshire. About half would be within Hereford as a 'settlement of significant development'. This recognises the national housing agenda in the July 2007 Green Paper 'Homes for the future: more affordable, more sustainable' advocating an additional 3 million new homes by 2020 and identifying Hereford as a 'New Growth Point'. New homes and their accompanying transport and utility infrastructure, including flood protection, generate significant local demand for aggregate materials.
- 6.2.6 Also in Hereford, the Edgar Street Grid (ESG) regeneration programme involves about 43 hectares of housing and retail development over 20 years, along with transport/civil engineering, flood alleviation works and possible relocation of the livestock market. These projects are all significant consumers of aggregates; to avoid uneconomic and unsustainable long-distance transport of materials, aggregate demand will need to be met from local sources where possible. In wider terms, aggregate shortages in Worcestershire may be reflected in increased



regional apportionment figures for Herefordshire when these are next reviewed. In such cumulative circumstances Herefordshire's existing landbank will very likely be rendered inadequate prior to RSS revision.

- 6.2.7 The RSS Phase 3 Revision Draft Project Plan includes updated minerals policies to secure the safeguarding of economically important minerals and avoid sterilisation, and also to maintain and manage adequate supplies of aggregates while protecting landscapes and communities.
- 6.2.8 Wellington/Moreton quarry provides employment within the local economy. The proposed extension to the site would ensure continuation of that employment and help maintain the diversity of the rural economy. As such, it would meet RSS rural renaissance initiatives and minerals policies as well as HUDP 2007 policies S4 and E11 on rural employment. Securing the long-term future of the quarry complex would also maintain support for the local construction industry within the sub regional economy.
- 6.2.9 The majority of the application site was identified as a 'preferred area' for future extraction in the Hereford and Worcester Minerals Local Plan 1997. Although this concept was not carried forward into the HUDP 2007, minerals can nevertheless only be worked where they occur and the site has previously been accepted as appropriate. The applicants have subsequently agreed to revise the proposed southern boundary, withdrawing northwards by about 200 metres to match the original preferred area in the Minerals Local Plan. This gesture is welcomed as it would increase the buffer of unworked agricultural land between the quarry and residential properties on the northern edge of Moreton-on-Lugg village, as requested by the Parish Council. It would also help protect the scarce habitat of wet grassland that occurs in this area (see paragraph 6.8.1 below).
- 6.2.10 Wellington Quarry is a known resource close to current and projected markets, has an established processing facility with good highway/rail links, and accords with national sustainability objectives for mineral planning. Furthermore, MPS1 favours extensions of existing sites where environmentally acceptable. The alternative, of working new standalone greenfield sites to fulfil demand, would necessitate new processing facilities and infrastructure, increasing potential environmental damage, traffic and carbon footprints. It is accepted that in terms of the RSS and HUDP 2007 policy M3, permitted aggregate reserves are likely to prove inadequate in the near future, and that in accordance with HUDP 2007 policy M5, mineral resources at Wellington should not be sterilised.
- 6.2.11 HUDP 2007 policy M3 requires new applications to demonstrate assessment of, and mitigation for, various factors including amenities of local communities, open spaces, highways and natural resources comprising air soil and water. However, policy M3 only applies to entirely new sites, and therefore carries little weight in this case. Moreover, MPS 1 favours extensions to existing quarries rather than new sites. Notwithstanding this, the application site does not directly affect any of the constraints listed, although there are important designated sites nearby and the area is known to be of significant archaeological importance. The Environmental Statement therefore addresses the relevant issues. Furthermore, policy M3 does not preclude new aggregate proposals where exceptional circumstances can be demonstrated, subject to environmental acceptability. The conservation and archaeological considerations will be discussed in detail below but on the basis of

the above considerations the applicants' defence of the need for the development is accepted in principle.

6.3 Quarry activities, including relationships to existing quarry operations site preparation and infrastructure, working methods and operating hours, lighting

6.3.1 The existing Wellington/Moreton quarry accommodates processing and screening plant, office building, car park, concrete block-making and batching plant, stockpiling and loading areas, silt lagoons and railhead facility. The current extraction area is within the western half of the quarry (Moreton) alongside the A49 (T). This application seeks to extend the existing phased extraction in terms of time and land area, without additional or increased production.

6.3.2 The approved after-use of the existing quarry is for a mixture of water bodies, wetlands and species-rich grasslands. These are created progressively with each extraction phase, some being already partly completed. For the extended site, initial (phase 1) work would overlap with existing permitted Moreton quarry workings, including:

- Clearance of existing structures within the former military depot.
- Construction of a field conveyor.
- Advance soil and overburden stripping, screen mounding.

6.3.3 The applicants propose to continue working the mineral wet, using a long-reach excavator to lift excavated mineral onto adjacent land. Once drained, material is transported to the processing plant using either a field hopper or field conveyor. The mineral reserve would be worked anticlockwise continuing the permitted Moreton site, advancing southwards along the western half of the application area (phases 1-2), turning east and then northwards up the eastern half (phases 3-5). If permission is granted, the proposed first and last phases of this extension would merge with the final phases of the earlier Moreton planning permission, where the soils and overburden were stripped in 2006, and which would be used in final restoration.

6.3.4 The internal site road and conveyor would be extended southwards down the spine of the site during extraction, branching off to the working face as necessary. Soil and overburden stripping would create temporary storage mounds 3 to 4 metres high along the south western boundary that would also serve as a buffer zone. At the southernmost point extraction would turn northwards with the conveyor retreating. Soils would either be used in restoring the previous phase or temporarily stockpiled within the preceding phase for future use. No other plant or buildings would be needed on this extension site.

6.3.5 The application proposes operating hours of 06.00-19.00 hours Mondays to Fridays, 06.00-12.00 hours Saturdays, and no working, other than maintenance, on Sundays or Public Holidays. However the permitted hours for the existing quarry are 0700-1900 Monday to Friday, 0800-1300 Saturday and not at all on Sundays, Bank or Public Holidays except specifically within the rail loading area under planning permission CW2001/3080/M. Should permission for this extension be granted, the operating hours for the total site must be consistent and enforceable. Any change to the existing quarry's hours should be the subject of a separate application to vary the times, to allow for public consultation.

6.3.6 Existing lighting is used around the plant site during winter months. No lighting would be required around the extraction area, apart from along the conveyor for health and safety purposes. This could be controlled through a condition to ensure no conflict with HUDP policy DR14.

#### 6.4 Restoration proposals

6.4.1 Section 6 of the Environmental Statement points out that the restoration proposals have been guided by the landscape and biodiversity assessments undertaken in preparing the application. They would maintain existing hedgerows in accordance with HUDP 2007 policy LA5, respect and strengthen the characteristics of the local landscape in accordance with HUDP 2007 policy LA2, and link with existing vegetation and surface water ditch features to comply with HUDP 2007 policies DR4 and DR6.

6.4.2 Minerals would be extracted from below the water table with very limited dewatering. There are no proposals to import any infill material. All restoration material would be derived from within the site, therefore a large water body with surrounding vegetated areas is proposed for the final restoration, primarily for nature conservation, comprising:

Species-rich grassland	10 hectares
Reedbed/aquatic margins	4.4 hectares
Main lake	21.7 hectares
Shallow permanent/ephemeral ponds	2.6 hectares

This mix would appear to complement the already approved and progressively implemented restoration at the existing quarry, with individual and hedgerow trees being planted to consolidate the existing landscape patterns. The Environmental Statement stresses that the restoration of this site should not be viewed in isolation, and the Restoration Masterplan reference W107/23B shows the overall proposed wetland area and its management. There would be opportunities to create significant linked habitats satisfying several Biodiversity Action Plan (BAP) targets, the details of which could be secured through conditions but finalised at a later date and in accordance with up to date policies and strategies at the time. The BAP is currently under revision and therefore there would also be an opportunity to tailor both the targets and the masterplan for optimum results, subject to the agreement of statutory consultees and internal Council advice. The requirements of HUDP 2007 policies LA6, NC6, NC7, NC8 and NC9 could therefore be fulfilled without difficulty.

#### 6.5 Geology and soils

6.5.1 The Environmental Statement examines the site's geological environment, soil resources and the agricultural land quality using exploratory boreholes on and around the site. This exercise found that generally the ratio of sand to gravel is 50/50, comprising reddish-brown to greyish-brown deposits. It found the water table to be 2-3 metres below ground surface, on top of Raglan marl formation. Soils are described as generally poor or very poorly drained silty clay loams and clays, having a typically dark reddish-grey stoneless heavy profile. The site is prone to flooding (zones 2 & 3) with floodwater likely to linger due to limited permeability. Sand and gravel deposits range from 0.9 to 5.6 metres thick but average at 3 to 4 metres, under about 2 metres of overburden. Samples and cores confirm similar material to

that being extracted from the main site, and likely reserves of just under 1.5 million tonnes from the revised site area.

6.5.2 The Environmental Statement challenges the accuracy of the 1975 MAFF Agricultural Land Classification (ALC) map, which suggests the site could be grade 3 arable land. In the applicant's view most of the site is alluvial floodplain grade 4. According to Defra the ALC maps are indicative and not at all site-specific, requiring developers to conduct their own surveys to establish actual land quality. Following more sophisticated analysis criteria set out in the 1989 revised ALC procedures, the conclusion is that the arable areas of the site are grade 3c and the grassland grade 4. There seems little reason to doubt the veracity of this, therefore the proposal would not conflict with HUDP 2007 policy E15. Natural England responded to consultation on behalf of Defra regarding consideration of protecting the best and most versatile agricultural land (BMV) as set out in paragraphs 28 and 29 of PPS7. They did not propose to make any comments on the proposals, indicating acceptance that the site is not BMV land.

6.5.3 The survey also concludes that apart from about 25 cm of topsoil, the underlying soil is 'raw alluvium' and 'not worth conserving as a soil'. Restoration to wetland nature conservation is therefore compatible with the underlying geology and the most likely beneficial use for the site on completion, rather than attempting to restore to floodplain agriculture.

#### 6.6 Hydrology and hydrogeology including flood risk

6.6.1 The Environmental Statement addresses potential impacts on surface and groundwater, the River Lugg and Wellington Brook. The application site lies on a minor aquifer, and although unlikely to produce large water quantities, limited seasonal dewatering operations would be needed to lower the water table by about 1 metre to the top of the mineral reserve. This would be licensed and controlled by the Environment Agency. However, it is unlikely that neighbouring residential properties would be affected because of the restricted nature of the dewatering zone of influence. New boreholes and trial pits found predominant groundwater flows to be east to south easterly, and background water quality comparable with the existing quarry. In the applicant's view, it is unlikely that surface water flow would be significantly affected due to the proposed wet working, the restoration to water body, and the hydraulic continuity of these features with the adjacent River Lugg.

6.6.2 A risk assessment of potential impacts on groundwater and surface water quality recommends in particular the following mitigation measures to ensure that the probability of adverse impacts would be rendered negligible or zero:

- a) Inspections, plant maintenance, a traffic management system and spill response plan to avoid fuel spillage;
  - b) Use of conveyors rather than dump trucks for transport;
  - c) Bunding of fuel tanks;
  - d) Minimising the release of suspended solids (silt) through settlement measures, planned soil movements and excavations, cut ditches to capture run-off;
  - e) Screening and removal of any unsuitable material encountered during soil stripping to avoid any contamination;
  - f) site management after restoration to preclude powered water sports;
- Conditions are recommended to address these matters.

6.6.3 The Environment Agency have lifted their initial objection following clarification of surface water and flood risk considerations. The Agency had however already accepted the majority of the Environmental Statement's findings, including the details on groundwater, dewatering and the mitigation measures. In a second consultation response they note with approval that freeboard built into the proposed restoration lake would minimise overtopping; that quarrying would provide additional floodwater storage capacity, and that surface water would not drain into the lake. They therefore accept that the development would not increase flood risk. The groundwater mitigation and restoration proposals would be secured by condition to ensure compliance with policies DR4 and DR6 of the HUDP 2007. In the current planning permissions for the rest of the site, conditions already require groundwater monitoring throughout quarrying and reclamation and it is proposed to extend this requirement to the proposed site.

6.6.4 The applicants and their agent have undertaken direct negotiations with the River Lugg Internal Drainage Board, under whose jurisdiction watercourses on the site fall. The applicants already have close liaison with the Board with regard to drainage arrangements at the existing quarry adjoining the site. They have agreed to meet the Board's requirements and the objection has been lifted.

6.6.5 A December 2007 report submitted by the applicant as an annual review of groundwater monitoring on the adjoining existing quarry site concludes that 'there has been no significant decline in groundwater levels or quality since quarrying started.' The report also confirms that the previously approved borehole monitoring programme will continue until the whole of the Wellington site has been completed and reclaimed.

#### 6.7 Landscape and visual impact

6.7.1 According to the adopted Landscape Character Assessment 2004, the application site lies within the Riverside Meadows; a primarily unsettled floodplain landscape having a pastoral use, well defined linear tree patterns, wetland habitat and river channels. No statutory landscape designations affect the actual application site. The Environmental Statement includes an evaluation of visual amenity from nearby receptors. The existing quarry was found to be distantly visible from 11 viewpoints although relatively indistinguishable from the surrounding fields. The potential visual impact of the proposed extension site is assessed against characteristic receptor types: residents, users of public space, road/rail passengers, industrial and farmland as well as seasonal changes.

6.7.2 The existing quarry complex has been established for more than 20 years and therefore now integral to the current local landscape. The proposed extension area would not breach a skyline, and the majority of quarrying activities would occur below the existing ground level. The Environmental Statement highlights the quarry's situation within a generally restricted visual envelope defined by floodplain and flat-topped hills. The topography and vegetation patterns of woodland and hedgerows effectively screen the extension site and could be enhanced by additional planting.

6.7.3 Proposed mitigation measures include:

- Advance tree planting along the southern site boundary to assist screening of the site from residential properties in Moreton-on-Lugg.
- Integrating the development into the landscape through phased development.

- Enhance landscape character by creating appropriate wildlife habitats in accordance with the objectives of the Biodiversity Action Plan.

In particular, Submitted plans reference W107/22B (Concept Restoration) and W17/23B (Restoration Masterplan) indicate progressive restoration and landscaping including tree planting with an emphasis on wetland habitats. The indicative restoration plans acknowledge the need for flexibility in a long-term project. However, the proposals appear to complement the accepted concepts on the existing permitted extraction area. If permission is granted, conditions would secure these and future measures to ensure compliance with HUDP policies S7, DR2, LA2, LA5, LA6, NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8, NC9 and M7.

- 6.7.4 The report concludes that no significant visual impact would result from the proposals, although existing receptors would retain a view of the site and see change as a result. According to the applicants, the proposed development would be capable of integration without significant impact on the landscape's character, condition or visual amenity. Furthermore, the development has the long-term potential to enhance landscape character and biodiversity.

## 6.8 Ecology

- 6.8.1 The Environmental Statement details ecological surveys undertaken in February and March 2006, identifying the application site as primarily semi-improved grassland/arable with marshy grassland. The River Lugg Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) lies approximately 250 metres to the east and Wellington Marsh Special Wildlife Site lies some 200 metres to the north-west. The River Lugg drains into the River Wye which is also SSSI/SAC. The presence of (or potential for) some European Protected Species is noted although the application site is not considered to be critical for these species. The report proposes mitigation measures to minimise direct impacts arising from the development, but the Conservation Manager has commented that although the findings are acceptable, the assessments were undertaken quite early in the year and recommends further surveys.
- 6.8.2 As noted in paragraph 4.1 above, the Environment Agency requested that the Local Authority, as a "competent authority" under the Habitats Regulations, undertake an Appropriate Assessment (AA) of likely significant effects arising from the application on the biodiversity interests of the SSSI/SAC noted above. The Regulations require determination of an application to be withheld until the AA has been undertaken. If the proposal would have significant effects on the area of interest then it must be reconsidered. The AA has been duly carried out and approved. The Environment Agency's revised consultation response notes with approval that moving the southern boundary of the quarry area northwards would protect an area of wet grassland, identified as a scarce habitat that should be retained. Natural England have also accepted the AA, recommending a condition to prevent an increase in suspended sediment in the river.
- 6.8.3 The Environmental Statement notes that there is no evidence of harm to biodiversity from dust deposition due to the existing quarry operations, recommending continuation of existing dust control measures. In the applicant's view, the majority of local fauna would already be accustomed to existing quarrying activities and therefore unlikely to be significantly affected by noise or visual disturbance from the

proposals. Perimeter site hedgerows would nevertheless assist in minimising potential disturbance.

- 6.8.4 The Woodland Trust's concerns for Long Coppice centre on fears about its potential isolation by the proposed workings, and a risk of drying out due to dewatering. Following negotiations with the Trust the proposed scheme, to be secured through conditions, now includes retention of main drainage ditches and established hedgerows and a substantial buffer zone, to maintain physical connection between the woodland and wider ecological interests beyond the quarry area and to secure protection of the trees. The Environment Agency are satisfied that hydrology, including in the vicinity of the woodland, would not be adversely affected. The Forestry Commission have not raised any objection to the proposals or expressed any concerns about possible effects on Long Coppice. Subject to the above measures, the integrity of the woodland and its biodiversity links could be maintained in accordance with HUDP 2007 policies S7 and LA5.
- 6.8.5 In response to the further points raised by representations, I am also satisfied that there would be no adverse effects on Marden Church SSSI. It should be noted that this particular feature is separated from the application site by fields, the main-line railway and the River Lugg SSSI/SAC, the quarry's effects on which have been noted above.
- 6.8.6 The long-term restoration of the site for nature conservation in line with Biodiversity Action Plan objectives has the potential to provide habitats of similar or enhanced value when compared with the current circumstances. It would be supported by HUDP 2007 policies NC6, NC7, NC8 and NC9 and the key principles of PPS 9. A biodiversity audit every 4 years is already required across the rest of the site, so it would be logical to extend this requirement to the proposed extension. The applicants' assertion that the overall eventual restoration of the entire site would contribute linked wildlife habitats on a significant scale is generally accepted.
- 6.9 Highways, traffic, rail use and public rights of way
- 6.9.1 The existing quarry generates HGV and other traffic, although numbers are not restricted. According to the Environmental Statement the proposed site extension would not generate any additional vehicle movements and the existing access would serve the whole site. Based on past levels, the report considered base-line existing HGV traffic to be about 146 movements (73 in/73 out) per day, of which 24 (12 in/12 out) would be during peak hours (Table 11/1 *Existing trip generation*, Section 11 of the Environmental Statement).
- 6.9.2 The application seeks to extend the life of the quarry, not the rate of extraction. No increased traffic is anticipated and neither the Highways Agency nor the Transport Manager have raised any objection to this application. Nevertheless, local Parish Councils are concerned about vehicles turning east out of the site towards Marden village, and about the condition of the road surface in Marden Lane. However, most HGV traffic does generally turn west towards the A49(T) in accordance with existing highway signage since this is the most expedient route when leaving the quarry, unless a load is specifically required for local delivery in the Marden area. There are conditions on the existing planning permissions to address these concerns, including a requirement for the resurfacing of the C1122 (Marden Lane) before quarrying takes place in phase 5 of planning permission reference

DCCW2005/1243/M (at Moreton). It is proposed to reinforce this requirement through a further condition.

6.9.3 The submission includes an assessment of the A49(T)/Marden Lane junction, demonstrating that the junction operates within existing capacity and is projected to continue to do so with the proposed development since no additional traffic is anticipated. The assessment concludes that there would be no adverse impact on recorded accident levels and that overall there would be no highways or transportation impact. This view is supported by both the Highways Agency and the Transport Manager.

6.9.4 There are no Public Rights of Way (PROW) affecting or affected by the application site.

#### 6.10 Noise

6.10.1 The Environmental Statement assesses predicted noise impact from the proposed development based on BS5228 (revised 1997), in particular in terms of

- Operation of plant and equipment;
- Likely periods of activity;
- Distances between noise sources and receptors;
- Attenuation due to ground absorption or screening effects;
- Reflection of noise due to hard surfaces (e.g. walls).

6.10.2 Annex 2 of MPS2 recommends that, 'mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10 dB(A)', subject to a maximum of 55 dB  $L_{Aeq,1hr}$ . The Environmental Statement gives details of existing daytime background noise level readings undertaken by the applicants at five locations (identified in the table below) around the proposed site to represent the most likely noise-sensitive receptors.

Location	Period	$L_{Aeq, T}$	$L_{A90}$	$L_{A10}$	$L_{Amax}$
1. Almshouses	08.41-10.26	58.5	47.6	62.1	80.5
2. New House	09.09-11.19	61.06	44.0	65.9	72.8
3. Brookhouse Farm	09.33-11.41	62.2	46.1	66.3	73.3
4. St Peter's Court	12.15-14.47	46.7	38.5	46.0	67.0
5. Marden Vicarage	12.20-14.05	48.2	38.0	44.0	74.2

Time period **T** was 15 minutes

(Table 12/1 para 12.15 of Environmental Statement)

6.10.3 Locations 1-3 were dominated by traffic noise from the A49 (T), with some audible quarry noise (reversing beepers) at location 1. At location 4 there was distant road/rail/farmland noise, and some quarry noise audible at location 5. Predicted noise levels for both temporary and normal operations would however be within guidance limits. The noise assessment confirms background noise levels to be influenced by existing noise sources including the permitted quarry. Predicted noise



generated by the proposed development would be within national guidelines, calculating worst-case scenario noise levels ( as  $dB_{L_{Aeq,1hr}}$  ) as:

Location	Background $dB_{L_{A90}}$	MPS2 Limit	Soil stripping/ Overburden*	Extraction	Processing	Concrete Plant	Restoration*
1. Almshouses	47.6	55.0	35.1	38.1	41.5	39.1	36.7
2. New House	44.0	54.0	41.7	43.7	35.0	33.3	35.9
3. Brookhouse Farm	46.1	55.0	43.7	41.9	31.2	29.9	43.7
4. St Peter's Court	38.5	48.5	42.0	43.9	30.3	28.6	48.9
5. Marden Vicarage	38.0	48.0	48.8	46.0	37.1	36.4	45.5

[\* Assessed against MPS2 for temporary operations  $70 dB_{L_{Aeq,1hr}}$   
(Appendix 12/3 of the Environmental Statement)

6.10.4 This assessment was based on the original southern site boundary that has since been revised northwards, effectively doubling the distance of any quarry workings from properties in Moreton village. Although the amendment to the southern site boundary would not be required on purely noise generation grounds, it is welcome as a further distance barrier to the site operations in respect of local amenity. There has been some local concern that the proposals would adversely affect house prices. Although this is not something that the planning system can consider, the revised southern boundary would move the workings much further away from Moreton village and thus should alleviate these fears.

6.10.5 The existing quarry complex has not generated complaints about noise, but the application proposes the following mitigation measures; in particular:

- Making use of existing landform features for noise attenuation.
- Provision of temporary local screen mounds as necessary, when activities are at elevations and locations that may be unscreened.
- Use of conveyors to minimise site vehicle use.
- Proper maintenance/use of plant.
- Maintaining good site management.

Furthermore, the applicants have agreed to provide additional advance planting adjacent to the Marden village boundary, to act as enhanced screening.

6.10.6 The Head of Environmental Health and Trading Standards has not raised any objection to the findings of the noise assessment. The planning permission, if granted, would include a condition to limit site noise generation that would be compatible with existing conditions on the rest of the Wellington/Moreton quarry site and comply with policy DR13 of the HUDP 2007.

#### 6.11 Air quality (dust)

6.11.1 The Environmental Statement assesses the potential for dust nuisance to arise from the proposals, based on the prevailing south and west winds. It identifies 12

'sensitive developments' within 500 metres of the application site. The application makes it clear that the mineral would be worked wet. Gravel extraction does not require any blasting to take place, and there would be no processing of material within the application area since all the excavated material would be transported to the existing plant, primarily using the field conveyor. In the applicants' view this working method would minimise dust, any produced being coarse/heavy and therefore likely to be deposited within the immediate extraction area. Nevertheless, dust suppression sprinkler systems and effective screening/landscaping are integral to this application as an extension to those already utilised in the existing quarry area, to minimise dust potential from vehicles and the field conveyor, particularly in dry weather.

- 6.11.2 The existing quarry complex has not generated complaints about dust but this application would bring phase 2 extraction operations close to Moreton Business Park. However the nature and frequency of local wind patterns reduces the likelihood of dust being blown towards these premises, and since the mineral is extracted below existing ground level in wet conditions it is therefore highly unlikely to create a dust nuisance.
- 6.11.3 The combination of mitigation measures already proposed by the applicants and the additional precautions should be sufficient to address the potential for fugitive dust generation.

#### 6.12 Archaeology

- 6.12.1 Previous recording and excavations within the quarry complex and surrounding area indicate potential significant archaeological interest, ranging from pre-history right through to modern times. Numerous local finds are listed in the Herefordshire Sites and Monuments record (HSM). The Environmental Statement includes an initial archaeological desk-top study and 'walkover' site survey which identifies close links between past human activity and the flood plain/river valley location, suggesting a high likelihood of important remains within the application site including later water management features and field patterns. The applicants acknowledge the necessity for further investigation, including with regard to the regionally distinct and under-researched water-meadow form of local land management. This work would be used to inform a mitigation strategy, in consultation with the County Archaeology team.
- 6.12.2 Since the application was submitted, the applicants have commissioned geophysical surveys and trial trenching, undertaken in accordance with PPS16 and policy ARCH1 of the HUDP 2007. A programme of advance archaeological site investigation work has been agreed, as is already routinely undertaken at the quarry complex. This ensures that appropriate recording and retention requirements are recognised by all interested parties at an early stage. The Archaeological Advisor has confirmed completion of the additional fieldwork to a good standard and successful methodology. An appreciable number of significant finds were made but these were mostly localised, dispersed, and of a fragile or ephemeral nature that would preclude preservation in situ. Subject to the final report of the site investigation works, the Archaeological Advisor's provisional view is that excavations, watching briefs and recording of finds before and during development would be appropriate mitigation in this instance. Consequently he raises no objection to the proposals subject to conditions in accordance with section 30 of

PPG16 and policies ARCH6 and ARCH8 of HUDP 2007. Any further comments will be reported verbally.

- 6.12.3 The applicants' track record on archaeology is good, and I am satisfied that the recognised significant archaeological interest would continue to be safeguarded in an appropriate manner if the quarry were extended.

## **7. Conclusion**

- 7.1 This application is for an extension to a well-established existing quarry which has operated for many years without generating significant complaints. Few objections have been received, but relevant concerns have been addressed wherever possible through negotiation with the applicants. A significant outcome is the applicants' agreement to move the site boundary northwards. This gesture would limit the extraction area to land originally highlighted as a Preferred Area in the 1997 Minerals Local Plan, would protect the amenity of properties in Moreton-on-Lugg, and safeguard an area of wet grassland which is a scarce habitat.
- 7.2 This application does not conflict with identified national, regional or local policies. Projected housing allocations and associated infrastructure projects for the county, will create significant demands on aggregate supplies in the near future; circumstances that are considered to be exceptional in policy terms. The application site satisfies sustainable development targets through its proximity to existing and future markets and there would be no increase in vehicle numbers. The proposal also presents an opportunity for the planned, sustainable and efficient release of permitted reserves within Herefordshire.
- 7.3 The applicants' arguments on need are accepted in principle and accord with policy; in particular:
- that the mineral resource should not be sterilised;
  - that existing land banks are likely to become inadequate in the near future;
  - that the quality and quantity of minerals on the site are assured;
  - that using the existing infrastructure would be preferable to constructing new processing plant and ancillary buildings.
- 7.3 Archaeological and environmental considerations including noise and dust are serious considerations for the applicants, and the mitigation measures already proposed, combined with further issues to be secured by conditions, would ensure that the proposals would have no adverse environmental effects. The application area comprises mainly grade 3c/4 arable land and permanent pasture with mature and grown-out hedgerows, trees and drains. By minimising the impacts and restoring the site long-term to a high standard of wetland landscape and biodiversity enhancement, the proposal demonstrates a commitment to sustainability while ensuring the provision of materials necessary for the county's continuing development.
- 7.4 The development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended 2000. The submitted Environmental Statement has been fully considered, along with the application details, further information from the applicants, responses from consultees and representations. Together these have informed the recommendation.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

<b>Start and definitions</b>
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1. The winning and working of minerals hereby permitted shall commence before the expiration of five years from the date of this permission. The mineral planning authority shall be notified in writing within seven days of the commencement.

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and to establish the start date for minerals extraction.

2. No soil shall be moved, boundaries erected or plant introduced on the site unless the mineral planning authority has been notified in writing within seven days of the first commencement of these operations.

**Reason:** To enable the mineral planning authority to monitor site activities and ensure compliance with the planning permission, including protection of biodiversity, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

3. The site referred to in this permission is that shown outlined in red on drawing reference WQ2/1 dated March 2006.

**Reason:** To define the permitted area for the avoidance of doubt with regard to mineral extraction areas and timescales; to protect the amenity of local residents and the River Lugg SSSI/SAC and to ensure compliance with Policy S9 of the Herefordshire Unitary Development Plan 2007.

4. Except where specific requirements of this permission dictate otherwise, the development hereby permitted shall only be implemented in conjunction with and as an extension to the current planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M. No other planning permissions are affected.

**Reason:** To prevent fragmentation of the wider site, to ensure adherence to the proposed operations, phasing of work and use of infrastructure, and to secure the overall site's comprehensive restoration to wildlife habitat, in accordance with Policies S1, S2, DR1, DR2, M7, LA6, NC1, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

5. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved documents and plans:

- i) Planning application dated 16th March 2007.
- ii) Environmental Statement dated March 2007, including the following plans only:
  - WQ2/1 Site Location.
  - W107/13 Site context.
  - W107/14 Planning boundaries and land under the applicant's control.
  - 8/3 'Local Hydrogeology and Hydrology' May 2006.

- iii) Letter from SLR Consulting dated 18th June 2007 and attached drawings reference WQ7/1 'Borehole Location Plan' and WQ12/1 'Noise Monitoring Location Plan'.
- iv) Letter from SLR Consulting dated 19th October 2007 and the attached set of revised operational plans:
  - W/107/15B 'Sequential Phasing Proposals'.
  - W107/16B 'Phase 1 Working and Restoration'.
  - W107/17B 'Phase 2 Working and Restoration'.
  - W107/34 'Phase 3 Working and Restoration (former phase 4)'.
  - W107/35 'Phase 4 Working and Restoration (former phase 5)'.
  - W107/36 'Phase 5 Working and Restoration (former phase 6)'.
  - W107/22B 'Concept Restoration'.
  - W107/23B 'Restoration Masterplan'.

**Reason:** To clarify the approved details and to ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

#### **Undeveloped land at southern edge of site**

6. Notwithstanding the original submitted plans, no winning and working of minerals shall take place, and no soils shall be moved, excavated, spread, mounded, stored, levelled or loosened other than in connection with agriculture, within the area at the southern end of the operational site shown as agricultural land on plan W107/15B.

**Reason:** To protect the amenity of residents of Moreton-on-Lugg, preserve the soil quality, and safeguard the landscape and biodiversity interests of wet grassland on this part of the site in accordance with Policies S1, S2, DR1, DR2, DR4, DR11, E15, LA2, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

#### **Availability of plans/permission**

7. Until such time as the operations at the quarry cease, copies of this permission, including all the documents and plans hereby approved and any other document subsequently approved in connection with any conditions attached to this permission, shall be kept and made available for inspection at the site office during the prescribed working hours.

**Reason:** In the interests of clarity, to inform site operatives and visitors, to assist with monitoring and to ensure a satisfactory form of development in accordance with the approved details and Policy S2 of the Herefordshire Unitary Development Plan 2007.

#### **End date**

8. The winning and working of minerals shall cease not later than 31st December 2026.

**Reason:** To comply with schedule 5, part 1, paragraph 1 of the Town and Country Planning Act 1990, restrict disturbance from the development in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007, and to enable the development to be reviewed at the

end of the development plan period of the emerging Core Strategy for Herefordshire and the Regional Spatial Strategy revision.

#### Temporary suspension

9. If minerals operations are temporarily suspended for a period exceeding three months and/or resumed following temporary suspension, then the operator shall give written notice to the mineral planning authority within 21 days of:
- i) The date of suspension of minerals operation.
  - ii) The date of resumption following the temporary suspension.

Reason: To ensure satisfactory monitoring and control of the development within the approved timescales and to comply with Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

#### Premature permanent cessation

10. In the event that, in the written opinion of the mineral planning authority, no mineral operations have taken place for more than two years and such operations have permanently ceased prior to the full implementation of the approved development, then revised written schemes to include details of restoration, aftercare and timescales for their completion shall be submitted within 12 months of the notification of the permanent cessation of working. Such revised schemes shall be fully implemented within the approved timescales unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: In accordance with schedule 9, paragraph 3 of the Town and Country Planning Act 1990, to safeguard the amenity of the area, to ensure the site is reclaimed in a timely manner to a condition capable of beneficial after use and to comply with the requirements of Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

<b>Pre-commencement and time-limited</b>
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#### Scheme of working

11. No development shall take place until a revised scheme of working based on the approved amended plans accompanying the letter from SLR Consulting dated 19th October 2007 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved unless otherwise agreed in advance in writing by the mineral planning authority and shall include in particular:
- i) Plans to a larger scale than those approved under condition 5 above, to depict the method of working clearly.
  - ii) Measures to be taken for the protection of trees and perimeter vegetation, including details of maintenance and duration.
  - iii) Control procedures for managing soil handling in accordance with MPG7 and DEFRA guidance [see condition 35 below and informative note 3].
  - iv) Arrangements for dealing with any contamination or contaminated materials discovered in the course of the development [see condition 30 below and informative note 3].

- v) An estimate of the volumes of excavated soil, subsoil and overburden to be produced in each phase and plans showing locations for their temporary or permanent storage.
- vi) Plans showing the location, design and construction method for screening mounds, taking into account the need to minimise flood plain obstruction and the terms of conditions 25, 26, 27 and 28 below.
- vii) Reference to the ground and surface water management scheme required by condition 12 below.

**Reason:** To ensure a satisfactory form of development and clear details of the method of working at the site in accordance with Policies S1, S2, S9, DR1 and DR11 of the Herefordshire Unitary Development Plan 2007.

#### **Groundwater/hydro-geological monitoring/management**

12. No development shall take place until a scheme for ground and surface water monitoring, management and protection has been submitted to and approved in writing by the minerals planning authority. The scheme shall be implemented as approved throughout the duration of the development, including the restoration and aftercare periods, unless otherwise agreed in writing in advance by the mineral planning authority. It shall include in particular:
- i) Regular monitoring of the hydrogeological boreholes identified on the submitted plan reference 8/3 'Local Hydrogeology and Hydrology' dated May 2006 [see informative note 3].
  - ii) Methodology for recording and reporting of boreholes monitoring results.
  - iii) Remedial works to be undertaken as necessary.
  - iv) Measures to minimise fuel spillage including the use of conveyors in preference to dump trucks, plant inspections and maintenance, fuel tank bunding, traffic management and spill response.
  - v) Methodology for management of silt and dirty water to ensure the minimal release of suspended solids.
  - vi) Provision for site surface water drainage.

**Reason:** In the interests of pollution control, the protection of ground and surface waters in and around the site, the amenity of occupiers of nearby properties, protection of the biodiversity interests of the River Lugg SSSI/SAC and to ensure compliance with Policies S7, DR4, DR6, NC1, NC2, NC3 and NC9 of the Herefordshire Unitary Development Plan 2007.

#### **Boundary treatment**

13. No development shall take place until a plan indicating the positions, design, materials and type of all boundary treatment to be erected has been submitted to and approved in writing by the mineral planning authority. The approved scheme shall be implemented as approved before the winning and working of minerals commences unless otherwise agreed in writing by the mineral planning authority.

**Reason:** In the interests of security, safety and the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

**Advance planting of southern boundary**

14. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a plan and scheme for advance planting along the revised boundary of the southern extent of mineral extraction as indicated on plan ref. W107/15B has been submitted to and approved in writing by the mineral planning authority. The scheme shall be implemented as approved before the winning and working of minerals commences.

Reason: In the interests of the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

**Archaeology**

15. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the mineral planning authority. This programme shall be implemented as approved in accordance with a brief prepared by the County Archaeology Service and shall include consideration of the protection and/or preservation and future availability of any items of archaeological interest found on the site.

Reason: To ensure the archaeological interest of the site is recorded and safeguarded in accordance with Policies ARCH6 and ARCH8 of the Herefordshire Unitary Development Plan 2007.

**Biodiversity**

16. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a scheme for ecological surveying, monitoring and ensuring minimal harm or disturbance to biodiversity during the course of the development has been submitted to and approved in writing by the mineral planning authority. The scheme shall be based upon the details submitted in Section 10 of the Environmental Statement, taking into account subsequent relevant correspondence (including the Appropriate Assessment). The scheme shall be implemented as approved and shall include in particular:
- i) That no site preparation works shall take place until written confirmation has been provided by a qualified ecologist that no European protected species have been present during the six days prior to commencement of soil stripping operations within the relevant working phase.
  - ii) Methodology for surveying, monitoring and reporting.
  - iii) Provision for the retention and/or restoration of the main existing drainage ditches and hedgerows.
  - iv) Provision for the protection, management and enhancement of a pre-identified and agreed list of priority species and habitats.
  - v) Provision for periodic review and amendment of the scheme to reflect policy revision, changed circumstances or new survey results.
  - vi) Timescales for implementation.

Reason: In order to ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential including continuity between the



site and adjoining areas and the integrity of Long Coppice ASNW, and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

#### **Biodiversity audit**

17. No later than 18th October 2009 and by the 18th October every four calendar years thereafter until the completion of all restoration and aftercare schemes, a biodiversity audit shall be submitted to and approved in writing by the mineral planning authority. Each submitted scheme shall identify:
- i) The species present.
  - ii) Where European, national and/or local priority species are identified, estimates of the numbers and species present.
  - iii) Proposals for improving the habitats of such species during the course of the development hereby permitted including the period of aftercare.

Reason: In order to maintain biodiversity records and ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

#### **Dust monitoring and control**

18. No development shall take place until a scheme for the suppression of dust has been submitted to and approved in writing by the mineral planning authority. The submitted scheme shall include in particular:
- i) The use of water sprayers, sprinklers and/or bowsers.
  - ii) Measures for the suppression of dust caused by the movement and storage of soils and aggregate materials within the site with particular reference to properties on Moreton Industrial Estate.
  - iii) Proposals for regular dust monitoring, recording and reporting of the results.
  - iv) Remedial works where necessary, including during specified weather conditions.

The scheme shall be implemented as approved in writing throughout the duration of the development unless otherwise agreed in writing by the mineral planning authority.

Reason: To prevent pollution and protect the amenity of the occupiers of nearby buildings and to ensure compliance with Policies DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

#### **Resurfacing of Marden Lane**

19. The winning and working of minerals hereby permitted on this site shall not take place unless and until the entire length of the C1122 between the A49(T) and up to and including the entrance to the Wellington gravel pit site has been resurfaced with a 14mm size close graded wearing course to the standard specified BS4987 or any subsequent revision, amendment or replacement to such specifications.

**Reason: In the interests of the amenity of the locality and highway safety and to comply with Policy T8 of the Herefordshire Unitary Development Plan 2007.**

<b>Restrictions</b>
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**Permitted development rights removed**

20. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, fixed plant, machinery, structures whether mobile or fixed, exterior lighting, lagoons, mineral stocking areas, means of access or other structures shall be constructed or placed on the application site, except as provided for under other conditions of this permission or with the prior written approval of the mineral planning authority.**

**Reason: To maintain control over the development and minimise the potential for visual and landscape intrusion in accordance with Policies DR1, DR2 and LA2 of the Herefordshire Unitary Development Plan 2007.**

**Operating hours**

21. **No machinery shall be operated, maintained or tested, other than for water pumping or in case of emergency, and no process shall be carried out, or deliveries taken at or despatched from the site outside the following times: 0700-1900 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of occupiers of nearby properties in accordance with Policies S2, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007 and to be consistent with planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M on the adjoining land.**

**Pipeline protection**

22. **No work shall be undertaken in the vicinity of the high pressure gas pipeline other than in accordance with the National Grid Engineering Standard T/SPSSW22 'Specification for Safe Working in the Vicinity of National Grid high Pressure Gas Pipelines and Associated Installations: Requirements for Third Parties' or any instrument revoking or re-enacting that document with or without modification.**

**Reason: To ensure the gas pipeline is not damaged.**

**Working depth**

23. **No excavation shall be undertaken in connection with the permission hereby granted at any point within the application area that is deeper than the naturally occurring sand and gravel deposits at that point unless otherwise agreed in writing in advance by the mineral planning authority.**

**Reason: To define the permission for the avoidance of doubt and because deeper excavation would require further assessment in the interests of local amenity, pollution control, protection of ground and surface waters and the**

nature conservation interests of the River Lugg SSI/SAC and to comply with Policies S2, DR4, DR6, NC1 and NC3 of the Herefordshire Unitary Development Plan 2007.

#### **Protect existing trees/hedgerows**

24. The existing trees and hedgerows within and on the perimeter of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped or topped unless otherwise provided for within the approved plans and details set out in condition 5 above. Any vegetation removed without consent, dying, being severely damaged, or becoming diseased at any time during the development or aftercare period, shall be replaced in the planting season immediately following, with plants of such size and species as may be specified by the mineral planning authority.

Reason: To protect the integrity of those trees and hedgerows to be retained, in accordance with Policies S1, S2, S9 and LA5 of the Herefordshire Unitary Development Plan 2007.

#### **Buffer zone for the eastern boundary**

25. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 5 metres of the eastern site boundary [see condition 11].

Reason: In the interests of the amenity of the locality and to protect perimeter hedging in accordance with Policies S7, DR4, LA5 and NC9 of the Herefordshire Unitary Development Plan 2007.

#### **Buffer zone for Long Coppice**

26. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 20 metres of the western site boundary with Long Coppice [see conditions 11 and 27].

Reason: In the interests of the amenity of the locality and to protect an area designated as Ancient Semi-natural Woodland in accordance with Policies S7, DR4, LA5, NC4 and NC9 of the Herefordshire Unitary Development Plan 2007.

#### **Temporary stockpiles location**

27. Temporary material stockpiles within the application site shall be located in the vicinity of the western boundary adjacent to Long Coppice, in accordance with point 8.56 of the submitted Environmental Statement and plan reference W107/17b dated March 2006, taking account of the requirements of condition 26 above [see conditions 11 and 26].

Reason: To minimise the impact on flood flow and floodplain storage volume and to ensure compliance with Policies S2 and DR7 of the Herefordshire Unitary Development Plan 2007.

#### **Stockpile height limit**

28. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, no materials including aggregates shall be stockpiled or deposited in the open to a height exceeding 5 metres.

Reason: To prevent visual intrusion in the locality and ensure compliance with Policies S2, DR1 and S9 of the Herefordshire Unitary Development Plan 2007.

#### Fuel/chemical storage

29. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. 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/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment including the River Lugg SSSI/SAC and to ensure compliance with Policies DR4, DR6, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

#### Contaminated material

30. If during development, contaminated material (visual or olfactory) is found to be present then no further works in this area shall be carried out (unless otherwise agreed in writing by the mineral planning authority until a Method Statement has been submitted to and approved in writing by the mineral planning authority giving specific details as to how this unsuspected contamination shall be dealt with. Thereafter, development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To protect the water environment and to ensure compliance with Policy DR10 of the Herefordshire Unitary Development Plan 2007.

#### Noise limits

31. The level of noise from the development hereby permitted shall not exceed such levels as are set out in Table 12/1 'Derived criteria' on page 186 section 12 of the submitted Environmental Statement, at the following specified locations on plan reference WQ12/1 dated May 2007.
- i) Almshouses
  - ii) New House
  - iii) Brookhouse Farm
  - iv) St. Peter's Court
  - v) Marden Vicarage

Within 14 days of any written request by the mineral planning authority, the operator shall submit a noise survey using these locations to demonstrate compliance.

**Reason:** In order to protect the amenity of the occupiers of nearby properties in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

#### **Lighting**

32. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary unless otherwise agreed in writing in advance by the mineral planning authority.

**Reason:** To minimise any lighting impact, protect the amenity of the occupiers of nearby properties and to ensure compliance with Policies S2, DR4 and DR14 of the Herefordshire Unitary Development Plan 2007.

#### **Burning restrictions**

33. No materials or substances shall be burnt or incinerated within the application site.

**Reason:** To safeguard the amenity of the occupiers of nearby properties and prevent pollution, to ensure compliance with Policies S2, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

#### **Excavator type (archaeological protection)**

34. Only toothless excavators or grading buckets shall be used for soil or overburden stripping, unless otherwise agreed in writing in advance by the mineral planning authority.

**Reason:** To enable features of archaeological interest to be adequately investigated and recorded in accordance with Policies S7 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

#### **Soil moving processes**

35. Top soil and sub soil shall be stripped and stored separately in accordance with the appropriate DEFRA 'Good Practice Guide for Handling Soils'. All stripped materials shall be placed in storage mounds, the design and location of which have been agreed in advance in writing with the mineral planning authority as required by condition 11 above. No soil shall be stripped between the months of November and March inclusive or when standing pools of water exist on site [see informative note 3].

**Reason:** To protect the soil resource and ensure its optimum potential for re-use, in order to maximise the potential for successful restoration in accordance with Policy DR11 of the Herefordshire Unitary Development Plan 2007.

#### **No soils to go off-site**

36. No topsoil or subsoil shall be removed from the site other than for placement within the minerals extraction areas permitted under planning permissions

reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

**Reason:** In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

#### No importation of waste soils

37. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than that naturally occurring within the minerals extraction areas permitted under planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

**Reason:** In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

#### No foul drainage discharges

38. Other than under licence from the Environment Agency there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

**Reason:** To prevent pollution of the water environment, to protect the River Lugg SSSI/SAC and to ensure compliance with Policies S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

#### Protection of River Lugg

39. All work associated with recharging the water from the working area back into the River Lugg shall be carried out in accordance with Environment Agency best practice guidelines and recommendations.

**Reason:** To retain the integrity of the River Lugg SAC designation and prevent increased suspended sediment entering the watercourse in accordance with policies S7, NC1 and NC2 of the Herefordshire Unitary Development Plan 2007.

### Landscaping, restoration, aftercare and afteruse

#### Landscaping/restoration scheme

40. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of phased progressive restoration landscaping based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing to the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved and shall include in particular:
- i) Long-term establishment of lakes, ponds, reedbeds, shallows, species-rich grassland and wetland habitats.

- ii) Plans and sections to scale 1:1250 showing detailed methods for construction, proposed profiles, levels and origins of materials to be used.
- iii) Engineering details to maintain water levels including access, maintenance, overflow and drainage provision as necessary.
- iv) A schedule of the proposed habitat types with a rationale for their creation, establishment of links between them, future maintenance and target species.
- v) Seeding and planting plan and scheme including marginal and aquatic vegetation, comprising a location plan and list of species, seed mix/es, sizes and planting numbers.
- vi) Measures for tree and plant protection during their establishment.
- vii) Provision for the suppression of any invasive, proscribed or controlled weeds occurring on the site.
- viii) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
- ix) Timescales for implementation of the scheme.

**Reason:** To clarify the approved details and secure the progressive restoration of the site to the highest possible standard while the winning and working of minerals takes place, and to facilitate the final reclamation of the site on completion of the development, in accordance with Policies S1, S2, DR4, LA6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

#### **Final restoration and removal of plant/infrastructure**

41. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of final restoration, based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved within twelve months of the permanent cessation of minerals operations, unless otherwise agreed in writing in advance by the planning authority. The submitted scheme shall include in particular:
  - i) Removal of all stockpiles, plant, equipment, vehicles, buildings, hardstandings, roads, waste materials and site infrastructure.
  - ii) Reinstatement of the land to a nature conservation/reedbed afteruse.
  - iii) Prescribed measures for targeted habitat creation and biodiversity enhancement.
  - iv) Continuation and consolidation of habitat creation and enhancement including for the identified target species provided for under conditons 16 and 17 above.
  - v) Reinstatement of perimeter hedgerows and fencing.
  - vi) Cross-sections including final water body depths, bed and bank profiles.
  - vii) Final drainage arrangements for the reclaimed land, including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage if and where appropriate.
  - viii) Soil re-spreading details including depths of soil layers.
  - ix) Further seeding of reclaimed areas with a suitable herbage mixture, where necessary.

- x) Profiles of the permanent lake/s to succeed the workings, including any as-dug material, islands or promontories to be left or formed and the battering down of the banks.
- xi) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
- xii) Timescales for implementation and completion.

**Reason:** To clarify the approved details and provide for appropriate landforms, geological conservation and final restoration of the site reflecting the approved afteruse, in accordance with Policies S1, S2, DR4, DR11, LA6, NC1, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

### **Aftercare**

42. Unless otherwise agreed in writing in advance by the mineral planning authority, the operator shall submit a written aftercare scheme to ensure the reclamation of the site to the required standard for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall include in particular provision for:
- i) Managing the site in the interests of biodiversity for at least a further five years on completion of the landscaping and final restoration works approved under condition 40 and 41 above.
  - ii) Provision for extending the aftercare across the whole quarry site for an agreed further period at the end of the five years as deemed necessary in the written opinion of the mineral planning authority at the time.
  - iii) Identification of the aftercare project manager.
  - iv) Schedule of works and timescales for implementation.
  - v) Monitoring and reporting arrangements and remedial work where necessary.
  - vi) Taking account of the adopted national and local Biodiversity Action Plans or their adopted equivalent in force at the time of implementation.
  - vii) Periodic review of management practices to take account of updated methodology, national or local government policy or advice as necessary.
  - viii) An annual site meeting at a mutually convenient date between the operators, the mineral planning authority and the person/s responsible for the aftercare works.

The scheme shall be implemented as approved on completion of the final restoration scheme as approved under condition 41 above.

**Reason:** To ensure the sustainable reclamation of the site to the highest possible biodiversity and landscape standards and to ensure compliance with Policies S1, S2, S7, S9, DR4, NC1, NC6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

### **Afteruses**

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning and working shall not be used for any activity other than for the purposes of nature conservation or agriculture



unless a specific planning permission for such is granted by the local planning authority.

**Reason:** To protect the River Lugg SSSI/SAC to ensure adequate control of the future activities at the site and compliance with Policies S1, S7, DR2, DR4, NC1 and M7 of the Herefordshire Unitary Development Plan 2007 and because any other use could have adverse environmental effects which require further assessment by the mineral planning authority.

<b>Informatives</b>
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1. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
2. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats
3. The scheme of working required by condition 11 should refer to the DEFRA soil handling guidance found at [www.defra.gov.uk](http://www.defra.gov.uk). The details concerning groundwater monitoring should complement or extend the scheme approved under condition 16 of planning permission reference DCCW2005/1243/M. The details concerning contamination, soils and groundwater management should be compatible with, or an extension to, the scheme approved under condition 17 of planning permission reference DCCW2005/1243/M.
4. The applicant should be aware that pursuant to Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds and consents for such works will not normally be granted except for access crossings.
5. The applicant should contact the Environment Agency's Water Resources Section in Cardiff (02920 245124) with regard to water resource consenting and licensing requirements, including dewatering and foul drainage.
6. The biodiversity audits required by condition 17 are intended to run consecutively with or be an integral part of the similar audits required under the terms of planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M both dated 18th October 2005.
7. N15 - Reason(s) for the Grant of PP/LBC/CAC.

In reaching this decision the mineral planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity and highway safety were addressed.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the

**application report by contacting The Hereford Centre, Garrick House,  
Widemarsh Street, Hereford (Tel: 01432-261563).**

Decision: .....

Notes: .....

.....

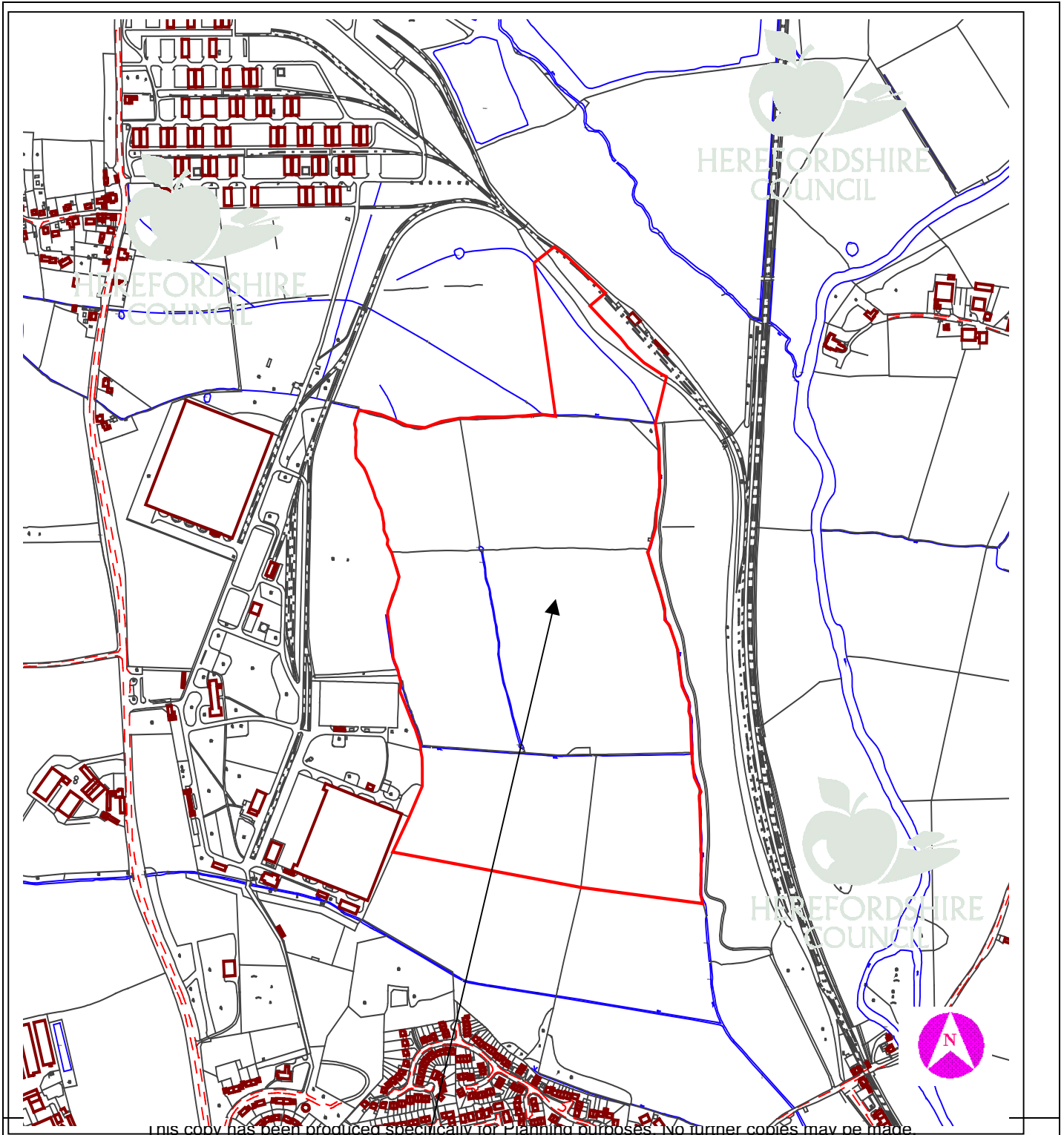
**Background Papers**

Submitted Environmental Statement and further submissions by the applicant

External consultation responses and correspondence

Internal consultation replies

Letters of representation from Parish Council and residents



**APPLICATION NO:** DCCW2007/0871/M

**SCALE :** 1 : 9179

**SITE ADDRESS :** Wellington Quarry, Marden Lane, Wellington, Herefordshire.

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