

10A DCCW2005/1242/M - VARIATION OF CONDITION NOS. 3, 6, 11, 15, 23, 24, 25, 29 AND 30 OF PLANNING PERMISSION H&WCC REF. 407393 (SH960682JZ) (WELLINGTON) TO MERGE OPERATIONS AT WELLINGTON AND MORETON-ON-LUGG QUARRIES AT WELLINGTON QUARRY, WELLINGTON, HEREFORD, HR4 8BY

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

10B DCCW2005/1243/M - VARIATION OF CONDITION NOS. 2, 3, 4, 7, 8 AND 9 OF PLANNING PERMISSION REF. CW2002/3058/M (MORETON-ON-LUGG) TO MERGE OPERATIONS AT WELLINGTON AND MORETON-ON-LUGG QUARRIES AT LAND AT MORETON ON LUGG, HEREFORD

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

Date Received: 11th April, 2005 Ward: Wormsley Ridge Grid Ref: 50565, 47649
Expiry Date: 6th June, 2005

Local Member: Councillor J.C. Mayson

Background

A gravel pit has been worked under a succession of planning permissions and operators at Wellington since 1985. In 2004 planning permission was given for a separate gravel pit at Moreton Camp. The permission has not yet been commenced. Tarmac Western have recently obtained control over both sites. These applications are to merge the two sites and work the Moreton permission in effect, as an extension of the Wellington site. The details of the two applications are complicated and involve variations to several conditions on both existing permissions. The net effect however would, in essence, be to work the two sites as one. The two applications are therefore inextricably linked. It would not be defensible at appeal to grant one application and refuse the other. The two are therefore considered under one report.

1. Site Description and Proposal

- 1.1 Both sites lie to the west of the A49. The nearest points of both sites are about 1km north of Moreton-on-Lugg, 500km east of Wellington and 800m west of Marden. The northern boundary of the two sites is Haywards Lane; the Leominster Hereford Railway Line is to the immediate east of the site. The River Lugg SSSI, cSAC is about 100m away at its nearest point.
- 1.2 Wellington Gravel Pit (DCCW2005/1242M): Wellington Gravel Pit is about 50ha in size, of which about 3ha remain to be extracted. Access to the site is on to Haywards Lane (C1122) and thence to the A49. Under the current permission the site would be worked out in about a year and cleared and restored by about 2008. The site would then be left as lakes designed for sailing, fishing and nature conservation and agriculture. Specific planning would be need for these recreational uses and one permission for the use of the lake as a trout fishery has already been given.
- 1.3 The application is to vary the following conditions of planning permission SH960682JZ (Hereford and Worcester County Council ref 407393, Wellington Gravel Pit):
- 3) to change the approved plans to the proposed joint working and restoration scheme.
 - 6) to allow the sand and gravel from the Moreton Camp site to be processed and sold through the Wellington plant, the silt washings to be disposed of to restore the Wellington site and for the Wellington access to be used to serve the existing rail head at Moreton Camp.
 - 11) to allow a new crossing to be made over the gas pipeline through the site.
 - 15) to allow soils, subsoils and overburden to be moved, stored and respread to allow the two sites to be jointly worked and restored.
 - 23) to allow a more water based, nature conservation directed restoration.
 - 24) to allow a different aftercare scheme.
 - 25) to allow an amended planting scheme.
 - 29) and 30) to allow the processing plant, associated buildings, machinery, equipment, etc and ready mixed concrete plant to be retained for the duration of operations at the Moreton site.

Proposals are also submitted to vary a Section 106 Agreement made on 24th April, 1997 to:

- a) delete requirements for hydrological and hydrogeological monitoring schemes relating to land within Moreton Camp, and
- b) to delete the requirements for archaeological work on the Wellington site because these are no longer appropriate.

1.4 Moreton Camp (DCCW2005/1243/M: The permitted gravel pit at Moreton Camp is about 34ha in size and is estimated to contain 2m tonnes of workable material. The permission has yet to be commenced. Access would be from a roundabout off the A49 which has yet to be constructed. On completion the site is to be restored to two large lakes. The proposal is to vary the following conditions:

- 2) so that no processing plant and related buildings be erected on site (material would then be processed through the existing Wellington plant).
- 3), 4) and 7) so that no new roundabout and associated highway works would be constructed on the A49 (access to the site and the existing rail head would then be through the existing access to the Wellington site).
- 8) to vary the permitted plans to allow the two sites to be worked as one, and
- 9) to vary the restoration details required.

Proposals are also included to vary the Section 106 Agreement entered into in connection with permission CW2002/3058/M to delete the requirement to construct a new roundabout on the A49. The requirement in that S106 to provide up to £5,000 for a gateway (signing, etc) feature on the A49, up to £60,000 to create a cycleway and up to £12,000 to create a bus stop on the A49, (subject to Highways Agency specification), would however be maintained, updated and index linked.

1.5 The net effect of these proposals would be, in essence, that the Wellington site would be worked out more or less in accordance with the existing planning permission but that the plant, buildings, ready mixed plant, recycling area and access would be retained until about 2019. Most of the rest of the site would be restored in the next 3 years. Most of the final landform and lakes would be restored to a shape and landform similar to that currently permitted.

1.6 The Moreton site would be worked in a different sequence to that currently permitted although the excavation area itself would be unchanged. The site would also be worked out by about 2019. The site would be restored to two lakes and a landform similar to that currently permitted. The most significant change proposed would however be that no new roundabout would be constructed on the A49 and no use would be made of the existing access into Moreton Camp.

2. Policies

2.1 Minerals Planning Guidance:

- MPG1 - General Considerations and the Development Plan System
- MPS2 - Controlling and Mitigating the Environmental Effects of Mineral Workings
- MPG7 - (Revised) The Reclamation of Minerals Workings

2.2 Regional Planning Guidance for the West Midlands:

- RPG11 - Regional Spatial Strategy
- M1 - Mineral Working
- QE1 - Conservation and Enhancing the Environment
- QE2 - Restoring Degraded Areas etc.

- QE6 - Conservation etc. of the Landscape
- QE7 - Protecting etc. Biodiversity

2.3 Hereford and Worcester Minerals Local Plan:

- Policy 1 - Preferred Areas
- Policy 2 - Other Sand and Gravel Deposits
- Policy 8 - Highway Improvements and Access
- Policy 10 - Progressive Restoration
- Policy 11 - Reclamation
- Policy 13 - Restoration to Water Uses
- Policy 14 - Restoration for Nature Conservation etc.
- Policy 15 - Maintenance of Environment Standards

2.4 Hereford and Worcester County Structure Plan:

- Policy M1 - Need for Minerals
- Policy M3 - Reclamation
- Policy M4 - Development Control Considerations
- Policy CTC3 - Nature Conservation (National/International)
- Policy CTC4 - Nature Conservation (Local)
- Policy CTC7A - Affects on SSSI's etc.
- Policy CTC10 - Protected Species
- Policy CTC12 - Improving Wildlife Value

2.5 South Herefordshire District Local Plan:

- Policy GD1 - General Development Criteria
- Policy C12 - Protection of SSSI's
- Policy 12A - Protection of cSAC
- Policy 15 - Creation of New Nature Conservation Sites
- Policy 44 - Flooding
- Policy T3 - Highway Safety

2.6 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S9 - Minerals
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR9 - Air Quality
- Policy DR10 - Contaminated Land
- Policy DR11 - Soil Quality
- Policy DR13 - Noise
- Policy DR14 - Lighting
- Policy T4 - Rail Freight
- Policy S7 - Natural and Historic Heritage
- Policy LA2 - Landscape Character
- Policy LA6 - Landscaping
- Policy NC1 - Nature Conservation
- Policy NC2 - Sites of International Importance

Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European Protected Species
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy ARCH1	-	Archaeological Assessments
Policy ARCH6	-	Archaeological Recording

3. Planning History

Wellington Gravel Pit

- 3.1 SH85/0283 (H&WCC ref. 407104) - Extraction and processing of sand and gravel, erection of ready mixed concrete plant. Granted 29th November 1985.
- 3.2 SH96/0682JZ (H&WCC ref. 407393) - Extensions to north and south (etc), Granted 24th April 1997.
- 3.3 CW1999/3334/F - Change of use of restored quarry to fly fishing lake and ancillary structures and car parking. Granted 14th February 2000.
- 3.4 CW2000/0596/N - Importation and stocking of waste material for recycling via a mobile crusher with stockpiling of graded product. Granted 11th October 2000.
- 3.5 Prior Approval (Code 96/0682JZ) granted 26th November 2004 for concrete pad and building for the production and stocking of concrete blocks.

Moreton Camp

- 3.6 CW2001/3080/M - Establishment of rail loading facility for the distribution of aggregates. Granted 18th July 2002.
 - 3.7 CW2002/3190/M - Replacement and re-alignment of rail lines and infrastructure works (etc). Granted 10th December 2002.
- CW2002/3058/M - Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities/infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading/dispatch of aggregate. Granted 11th February 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objection, advises (but does not direct) that the applicants should make a S106 Agreement that:
 1. The applicants shall construct a combined footpath/cycleway between Wellington Marsh and the Wellington turn, the detailed design and installation of which shall be approved by the planning authority after consultation with the Highways Agency.

2. The applicants shall provide a bus stop near Wellington Marsh (on the eastern side of the carriageway) the exact location and design of which shall be approved by the planning authority after consultation with the Highways Agency.
- 4.2 Environment Agency: No objection but comment on the need to clarify drawing references, clarify ecological issues and to maintain the monitoring regimes already agreed for the existing Moreton Camp development.
- 4.3 River Lugg IDB (orally): No objection, confirm the content of correspondence with Tarmac that the proposed crossing of the Wellington Brook would be acceptable.
- 4.4 English Nature: Any response will be reported orally.
- 4.5 Network Rail: No objection, note that only the Wellington site abuts the line, that extraction is virtually complete, that the proposal does not have a substantial impact on Network Rail interests and request that the conditions imposed on the earlier permission be retained.
- 4.6 Transco: No objections; draw attention to the need to comply with the Code of Practice for Safe Working in the vicinity of pipelines.

5. Representations

- 5.1 Moreton-on-Lugg Parish Council: Have no observations to make on the applications and are in favour of site access via Haywood Lane.
- 5.2 Marden Parish Council: Have no objections in principle, consider that the siting of the processing plant at the existing Wellington site will reduce the impact on the residents of Marden, express concern about the noise that might be generated by the proposed conveyor, the possibilities of dust generation and the effects of traffic on Haywood Lane and the A49 regarding which they ask for the Highways Agency's advice to be considered before consent is granted.
- 5.3 Fifty-seven letters sent to neighbours. Five letters have been received, three of which were from Mr. E.B. Smith of Orchard View, Wellington, expressing concern about the desirability of a wholly new access elsewhere off the A49 and the need for a reduction of speed on the A49.
- 5.4 Two letters, one fully supporting the applications, one requesting a variation to the timing of construction of the earth monitoring close to his house have been received from Mr. Williams of Yew Tree House, Wellington.

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

6. Officers Appraisal

- 6.1 There are two applications before Members here, both involve variations to a number of conditions and to existing S106 Agreements. The details of both applications need to be considered in full but in essence the proposals amount to changing of existing permissions so that the Moreton site would be worked as though it was an extension to the Wellington site. The principal effects would be do retain the existing Wellington

plant and access, abandon the need to create a roundabout on the A49 to serve the Moreton Camp gravel pit and alter the restoration of both sites. The proposals are interlinked and it would not be possible to do other than approve both or refuse both. It may be possible however to approve or refuse the specific details of some individual conditions.

- 6.2 No extensions to or deepening of the existing permissions are proposed, the rate of extraction and hours worked would remain the same and in general the possible after uses of both sites would remain the same. There are no material objections to either application and both would therefore normally have been determined under the Officer Delegation Scheme. Both proposals involve alterations to S106 Agreements, however, decisions which are not included in the Scheme of Delegation. The applications must therefore be brought to Members for determination. The effects can usefully be considered under the following general headings.

River Lugg SSSI/cSAC

The River Lugg is extremely close to and floods the Wellington site. The Council has a statutory duty to protect and enhance the SSSI and as a competent authority under the Habitats Regulations must undertake an appropriate assessment to assess any effects on the cSAC designation. Members should be aware that there is no suggestion that the Wellington Gravel Pit has had any adverse effects on the designated sites or protected species associated with them. The potential effects of the Moreton Camp proposal were assessed at length and monitoring schemes agreed to protect that site. There are no suggestions that either proposal would have any adverse effects on the SSSI/cSAC or protected species associated with it and there are no grounds for refusing permission on these grounds.

Changes in working Arrangements

- 6.3 The principal changes proposed would mean that although the Wellington site would be worked out as currently permitted, the phasing of the Moreton site would be altered. The rate of extraction and time taken to work the two sites would however be unchanged. Officers consider that the only significant adverse effects of the proposed changes so far as working arrangements are concerned could be:
- a) That a new, temporary haul road would need to be constructed across lake 2 at the Wellington site. This lake currently has planning permission as a trout fishery. Officers consider that this permission would be unusable for about 3 years. Within less than 5 years however, two lakes capable of use as fisheries would have been created, one larger than the existing permission. No representations or objections have been received from the Fishing Club or individuals about this aspect of the proposal.
 - b) The proposal would mean that the existing plant at Wellington would be used to process extracted materials and that no processing plant would be constructed at Moreton Camp. The Wellington plant is about 700m from the nearest house (at the level crossing) and about 1500m from the next nearest (the Almshouses on the A49). No complaints about the plant have been made to the Planning Office since it commenced in 1990 and its retention would not cause new problems. The plant formerly proposed at Moreton Camp would have been about 350m from the nearest house (Yew Tree House) and about 550m away from the Almshouses. In that it would probably cause fewer adverse effects on amenity the proposal would therefore probably be an improvement on the

existing permission. The Wellington plant can be seen from very limited public viewpoints but the effect is not significant in the landscape. Its retention would not cause unacceptable effects.

Reclamation

- 6.4 The proposals would make alterations to the detail, but not the general principles of the existing reclamation schemes. The existing planning permission would restore the Wellington site to three large and one small lake. The proposal would divide the smallest lake into two creating five lakes but extend one of these to be much wider than before. This would improve its appearance. The restoration of the remainder of the site would be largely unchanged (to one large c8ha arable field (already in place) one pasture c3ha, regenerated woodland, scrapes, lake margins etc.) The Moreton site would be restored to a broadly similar state to that currently approved. Two Rights of Way which have been temporarily diverted for about 15 years would be reinstated on their original lines. In broad terms the proposals would improve the range of habitats to be established and enhance the biodiversity value of the site by improving the detailed elements of the individual proposals. The site is probably already the second most valuable site for bird life in the county, both in terms of the numbers and range of species involved and has the potential to be of high value for amphibians and insects. The ground flora could be improved and the site already maintains a high population of orchids.
- 6.5 In detail, the proposed alterations would protect areas of naturally regenerated woodland from trespass by isolating them with moats, add a string of low islands to the Wellington lake, add large areas of scrapes and shallows, some of which would be seasonally flooded and create a new shallow (1ha) lake and at least 2ha of wet woodland. The single greatest change proposed would however be to use part of the large lake at Wellington as a silt pond. This would have positive and negative effects. On the positive side it would create a large (c5ha) area of shallows which could be of great ecological value. Officers' advice is that if permission were to be granted, a condition should be imposed requiring the submission of a scheme and method statement to ensure that on the cessation of working six islands, each at least 20m in diameter, each permanently surrounded by water should be created. These should naturally revegetate over time and the water around them should form extensive reed/reed mace beds. The Council's Biodiversity Action Plan has a target of creating 15ha of wet woodland in the county. These proposals could make a fair contribution to this at Wellington in addition to the 1ha of wet woodland proposed at the Moreton site.
- 6.6 On the negative side, these proposals would reduce the area of open water on the largest lake at Wellington from about 13ha as proposed at present to about 8ha. The lake has always been designed so that it would be suitable for use as a sailing lake, although a specific permission would be necessary to realise any such use. The proposals would reduce but not frustrate, the value of the lake for sailing. The County Youth Service has recently commissioned research into the need for water based recreation and possible future use of lakes and flat waters in the county. The report recognised the potential value of the lake at Wellington for sailing/water based activities and environmental studies. It has not however been adopted by Members and can be given little weight in determining these applications. An important consideration must also be that neither the existing Development Plans nor the emerging Unitary Development Plan made any specific reference to the need to protect the lakes of Wellington for sailing or other specific recreational use. There are therefore no policy reasons to justify refusing these applications permission because of any possible compromising effect they might have on the potential of the site as a

sailing lake. In practice however at least 8ha of open water should still exist and the largest lake proposed at Moreton would be about 14ha in size, (without islands) and would probably be equally suitable for sailing. On balance Officers consider that the proposals would significantly enhance the biodiversity value of both sites, would be slightly more in accordance with the landscape character of the area than the present schemes and although they might postpone, would not frustrate the future use of the site for recreational uses.

Highways Issues

- 6.7 The proposals would mean that Haywards Lane, the existing access to the Wellington site, would be used as to serve the gravel pit for about another 12 years. HGV movements would increase along that road but traffic along the A49 towards the old camp entrance would decrease by the same amount. The Transportation Manager recommends that if permission were to be granted Haywards Lane should be resurfaced, to specification, at the operator's expense and this is proposed below. The businesses on the Hayward Industrial Estate would therefore be subjected to more noise and users of Haywards Lane to more traffic movement but the residents along the A49 between Haywards Lane and the camp entrance would experience less traffic movements. There have been no objections to the proposed deletion of the roundabout currently required to serve the Moreton gravel pit permission. Officers consider that on balance the proposal would slightly reduce traffic flows and disturbance along the A49, which is to be welcomed but would not create significant adverse effects on Haywards Lane.

Other Issues

- 6.8 If permitted the proposals would require changes to related matters including the need to revise landscaping, soil handling and storage schemes, gas pipeline and railway protection, archaeological investigation and recording schemes and the reclamation of the rail loading depot already constructed under other permissions. Officers consider that these would not have significant adverse effects but would require existing schemes and conditions to be updated or improved. These are proposed below.

S106 Agreements

- 6.9 The applications include proposals to
- a) release the operator from the requirements of a S106 agreement made in 1977, regarding the Wellington site. The provisions related to archaeological, hydrological and hydro geological schemes. These have either been complied with (in the case of the archaeological issues) or proved inadequate and have been superseded by schemes required under subsequent permissions (in the case of the other schemes). Officers have no objection to the proposed release. No matters are outstanding under the agreement
 - b) release the operator from the requirements in the S106 Agreement made in 2004 relating to the Moreton Camp gravel pit, to construct a roundabout on the A49 to serve that permission. Officers consider that if these permissions were to be granted the proposed roundabout would serve no useful purpose. Neither the Highways Agency nor the public have any objection to the proposal and there do not appear to be any grounds to refuse it. Members will be pleased to know that part of the agreement (to resurface the car park at Wellington Primary School and

Community Centre) has been implemented and that the remaining provisions (to fund minor improvements to the A49 and construct a bus stop and cycle lane) have been retained and index linked.

6.10 In conclusion Officers consider that the proposed changes to conditions for both applications would not have significant adverse environmental effects and in most cases would lead to modest improvements in the reclamation of the site and in reducing adverse effects on local people. In most cases Officers consider however that the wording of the amendments proposed to the conditions could be improved and some related conditions on the existing permissions could usefully be amended to reflect changed circumstances or best practice and these are proposed below. Officers have no objection to the proposed variations to the S106 Agreements.

RECOMMENDATION

- 1) **The County Secretary and Solicitor be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to revoke the S106 Agreement made under reference SH960682JZ (H&WCC ref. 407393) on 24th April 1997 and amend the S106 Agreement made under ref. CW2002/3058/M on 13th January 2004) and**
- 2) **Upon completion of the aforementioned Planning Obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission for applications DCCW2005/1242/M and DCCW2005/1243/M subject to the following conditions:**

In respect of DCCW2005/1242/M (Wellington Gravel Pit):

1. **The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. No soil shall be moved on site unless and until written notice of commencement has been sent to the local planning authority.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and in order to define the commencement of the development.

2. **This permission shall be implemented only in lieu of, and not in addition to, the planning permission SH960682JZ (Hereford and Worcester County Council reference 407393) dated 24th April 1997.**

Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.

3. **The site referred to in this permission is that shown edged red on plan W17/PL1/3 received by Hereford and Worcester County Council on 5th June 1996, included within this site is the sand and gravel working existing at that time and two extension areas referred to as the Proposed Northern Extension Area and the Proposed Southern Extension Area.**

Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interests of the River Lugg SSSI, cSAC.

4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. W107/03, W107/04, W107/05), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

5. Every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify

- i) The species present and
- ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present and
- iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

Reason: In order to ensure that the site is worked and reclaimed in a way that maximises its nature conservation interest.

6. Not later than 9 months from the date of this permission a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the discharge of silt and dirty water from the plant site. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals hereby permitted at least 6 islands, each at least 20 metres in diameter, each permanently surrounded by water have been created in Lake 3 and that Phragmites species have become established in Lake 3. Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure that the site is reclaimed in a way which maximises its nature conservation interest and to prevent pollution of the water environment and in the interests of protecting the River Lugg SSSI, cSAC.

7. Not later than 31st May 2008 schemes and method statements shall be submitted to the local planning authority for their approval in writing for:

- i) The removal and respreading of the soil mounds formed in creating the blockworks on site, and
- ii) The clearance, ground preparation and soil covering of the areas shown as Plant Site, Offices, Conveyor and Stocking Area on drawing W107/03.

Reason: In the interests of ensuring the proper reclamation of the site, the protection of archaeological features and the prevention of pollution to ground and surface waters, particularly the river Lugg SSSI and cSAC.

8. No extraction shall be undertaken within 30 metres of any part of the railway embankment.

Reason: In order to protect the stability of the railway line.

9. No topsoil or subsoil shall be removed from the site other than for placement in the adjacent gravel pit at Moreton Camp previously granted planning permission under reference CW2002/3058/M granted on 11th February 2004.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape and nature conservation.

10. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel pit previously granted planning permission under reference CW2002/3058/M on 11th February 2004.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and the protection of the River Lugg SSSI, cSAC.

11. No soils shall be moved, spread, levelled or loosened other than in connection with agriculture within the area shown as agricultural land on plan W107/02 during the months of November to March (inclusive) or when the moisture content of this area is greater than 20% or when there are pools of water on the ground surface where soils are to be moved to.

Reason: To ensure that the land is restored to as high a quality of agricultural land as possible.

12. No work shall be done which would alter the existing ground surface or respread soils, subsoils or overburden within the areas shown as Plant Site, Offices and Stocking area on drawing W107/03 or Car Park and Field 2 - Pasture on plan W107/04 unless and until a scheme and method statement to do without unacceptable adverse effect on the River Lugg SSSI/cSAC and the archaeological value of these areas has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: In order to protect features of archaeological interest.

13. No soils, subsoils or overburden shall be stored closer than 10 metres from the banks of the Wellington Brook.

Reason: In order to minimise the risk of pollution.

14. No work shall be undertaken within the vicinity of the pipeline other than in accordance with Transco Engineering Standard T/SP/SSW22 "Code of Practice for Safe Working in the vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.

Reason: In order to ensure that the gas pipeline is not damaged.

15. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings and adjacent land users.

16. 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%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels 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.

17. No machinery shall be operated other than water pumping, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays (“the permitted hours”), except to allow the access or egress of vehicles to or from the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002 in such cases the access of loaded and or unloaded vehicles shall be permitted but only the egress of unloaded vehicles shall take place outside the permitted hours.

Reason: In order to protect the amenity of occupiers of nearby properties.

18. No extraction shall be undertaken in connection with the permission hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg SSSI, cSAC.

19. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:

- i. Managing the site in the interests of nature conservation and agriculture for at least 5 years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.

- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

20. Not later than two years after the cessation of the winning of materials, as determined by the local planning authority,
- i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
 - ii) the site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

21. The winning and working of minerals at this site shall expire fifteen years after the date of commencement.

Reason: Required to be imposed by Part 1 of Schedule 5 of the 1990 Town and Country Planning Act.

22. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 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 shall not be used for any activity other than for the purposes of nature conservation or agriculture unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

Informative:

- 1. N15 - Reason(s) for the Grant of PP.

In respect of DCCW2005/1243/M (Moreton Camp):

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. No soil shall be moved on site unless and

until written notice of commencement has been sent to the local planning authority.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The site referred to in this permission is that shown red on drawing MLM 2/2.

Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interest of the River Lugg SSSI, cSAC.

3. This permission shall be implemented only in lieu of, and not in addition to, the planning permission CW2002/3058/M dated 11th February 2004.

Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.

4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. (MLM/2/2), (MOL ND1), (W107/03), W107/04), (W107/05) except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

5. Every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify

- i) The species present, and
- ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present, and
- iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

Reason: In order to ensure that the site is worked and reclaimed in a way that maximises its nature conservation interest.

6. Not later than two years from the date of this permission, a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the creation of an area of wet woodland at least 1ha in extent, adjacent to lake 5. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals at the development hereby permitted at least 10% of the proposed wet woodland consists of areas of permanent standing water no more than 1 metre deep and that at least 40% is seasonally flooded at least once per year on the basis of the Environment Agency's prediction of the normal distribution of annual flooding at the site and that at least a further 25% is no more than 30cm higher than the predicted normal distribution of annual flooding at the site. Development shall be carried out in accordance with the approved scheme.

Reason: In the interests of maximising the biodiversity and nature conservation value of the site.

7. Not later than two years from the date of this permission, schemes and method statements shall be submitted to the local planning authority for their approval in writing for the creation of:
- i) Reed beds, dominated by Phragmites species,
 - ii) Ditches, designated to maximise their use as wildlife corridors and as habitat for water voles,
 - iii) A range of shallows and bankside gradients around the lakes formed as part of the development hereby permitted,
 - iv) Exposed sections which can be permanently retained after the reclamation of the site as a record of its soil profile and geological features,
 - v) At least one additional hide, open to the public free of charge within 2 years of the approval of the proposals for this part of this condition and maintained so during the course of the development already permitted including any period of aftercare,
 - vi) Islands on the western side of lake 3, such that on the cessation of the winning and working of minerals at Moreton Camp, the final height of these islands is nowhere higher than 54 metres AOD and the surface of the islands is covered with impermeable material and gravel,
 - vii) For the installation of at least 4 water level markers around each and every one of lakes 2, 3, 4, 5 and 6 accurately showing at least 53.5 and 54 metres AOD before reclamation works have been completed around each lake,
 - viii) An artificial sand martin nest bank, and that
 - ix) Development shall be carried out in accordance with all of the agreed schemes.

Reason: In the interest of maximising the biodiversity, nature conservation, amenity and geological value of the site.

8. Not later than six months from the date of this permission, a scheme shall be submitted to the local planning authority for their approval in writing for the construction and subsequent removal of a noise reduction bund to the east of Yew Tree House. Development shall be carried out in accordance with the approved scheme.

Reason: To protect the amenities of the residents of Yew Tree House.

9. Not later than two years after the date of this permission a scheme of landscaping shall be submitted to the local planning authority for their approval in writing. The submitted scheme shall include details of the species, sizes, densities and planting numbers of the trees, shrubs and other plant species and grass seed mixes to be used on site with the intention of creating as wide a range of habits as

possible on site. The landscaping of the site shall be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the area, to prevent and enhance the quality of the environment and in the interests of the landscape and increasing its nature conservation value.

10. No development shall take place in phases 4, 5 or 6 unless and until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.

Reason: In the interests of the occupiers of nearby buildings and the prevention of pollution.

11. Not later than twelve months from the date of this permission, schemes shall be submitted to the local planning authority for their approval in writing showing:

- i) The direction of working in each phase of extraction.
- ii) The sequence and duration of each phase of extraction.
- iii) The volumes of excavated soil, subsoil and overburden to be produced in each phase and where these are to be placed both temporarily and permanently.
- iv) Detailed proposals and a method statement of how and when the railway lines, rail loading and stockpiling areas are to be cleared in order to minimise the risk of pollution to ground and surface waters.

Development shall be carried out strictly in accordance with the approved schemes.

Reason: In the interests of protecting the amenity of nearby residents and the prevention of pollution to ground and surface waters, particularly the River Lugg SSSI, cSAC.

12. No work shall be undertaken within the vicinity of the gas pipeline other than in accordance with Transco Engineering Standard T&SP/SSWZZ "Code of Practice for Safe Working in the Vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.

Reason: In order to ensure that the gas pipeline is not damaged.

13. During the course of the development hereby permitted up to and including the winning of minerals from Phase 5, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn Owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.

Reason: In order to retain suitable habitats for barn owls and grassland of nature conservation interest.

14. No extraction shall be undertaken within 30 metres of the sleepers on the railway lines shown as retained on plan W107/04 unless otherwise agreed in advance in writing by the local planning authority.

Reason: In order to protect the stability and future use of the railway line.

15. No development shall take place until there has been secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development. The submitted scheme shall specify that the Bronze Age site within Area C, defined in the revised Archaeological Mitigation Strategy dated 9th August 2005, shall be excavated not later than 12 months from the commencement of soil stripping in Phase 4.

Reason: To ensure that the exceptional archaeological interest of the site is recorded, and also to ensure that specific items of archaeological excavation can take place within an acceptable timescale that will not be compromised by other site works or factors.

16. Throughout the course of the development hereby permitted, including the reclamation and aftercare for the site, hydro-geological monitoring shall be undertaken in accordance with the monitoring scheme/programme reference "groundwater monitoring scheme" received on 12th January 2004 and plan reference Groundwater Monitoring Borehole Location Jan. 04 Drawing No. 2.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

17. Throughout the course of the development hereby permitted including the reclamation and aftercare of the site, control procedures for managing contaminated soils and groundwater shall be undertaken in accordance with document reference "Control Procedures for Managing Contamination, Soils and Groundwater during Mineral Extraction Operations" received on 8th December 2003.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the river Lugg cSAC and SSSI.

18. No foul or contaminated drainage shall be discharged from the site.

Reason: In the interests of the protection of ground and surface waters and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

19. The level of noise from the development hereby permitted shall not exceed the following levels at the locations specified below:

Property boundary of Holmesdale House, LAeq day time operations 66.9dBA, LA90 day time operations 48.0 dBA.

Adjacent to the property boundary of Yew Tree House, LAeq day time operations 63.5 dBA, LA90 day time operations 48.5 dBA.

Adjacent to the property boundary of The Almshouses, LAeq, day time operations 58.8 dBA, LA 90 day time operations 48.0 dBA.

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq day time operations 47.5 dBA, LA 90 day time operations 43.0 dBA

and if requested in writing by the local planning authority the operator shall submit within 14 days of the written request a noise survey at these locations to demonstrate compliance.

The location of these properties is shown on plan MLR7/1 attached to this permission.

Reason: In order to protect the residential amenities of nearby dwellings.

20. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings and adjacent land users.

21. 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%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels 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.

22. No machinery shall be operated, other than water pumping, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays, except that within the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002, the unloading of aggregates from vehicles, loading of aggregates into railway wagons for trans-shipment by rail and unloading of railway wagons onto the floor of the rail loading facility (but not into vehicles) may take place at any time.

Reason: In order to protect the amenity of occupiers of nearby properties.

23. No extraction shall be undertaken in connection with the permission hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg cSAC and SSSI.

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

Reason: To safeguard residential amenity and prevent pollution.

25. 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 protect the appearance of the locality.

26. No topsoil, subsoil or over burden shall be removed from the site other than for placement in the adjoining gravel pit at Wellington granted planning permission under reference SH96/0682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

Reason: In order to ensure the proper reclamation of the site, in the interests of landscape and nature conservation.

27. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel working previously permitted under reference SH960682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

Reason: In order to ensure the proper reclamation of the site and in the interests of local amenity, pollution control and the conservation interests of the River Lugg cSAC and SSSI.

28. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:

- i. Managing the site in the interests of nature conservation and agriculture for at least five years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.

- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

29. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,

- i) All stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
- ii) The site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

30. The winning and working of minerals at this site shall cease thirteen years from the date of commencement as notified in Condition 1 above.

Reason: Required to be imposed by Part 1 of Schedule 5 of the Town and Country Planning Act.

31. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 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 shall not be used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

32. No winning or working of minerals shall be undertaken in phase 5 of the site as shown on drawing no. W107/05 unless and until the entire length of the C1122 between the A49 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 standard specified in BS.4987, Part 1, Section 2.7.3 (100mm pen binder) (MIN. P.S.V.62) to an average compacted thickness of 50mm.

Reason: In the interests of highway safety and the amenities of users of the highway.

33. Unless otherwise agreed in advance in writing only a toothless excavator or grading bucket shall be used for soil or overburden stripping on site.

Reason: To enable features of archaeological interest to be adequately investigated and recorded.

Informative:

N15 - Reason(s) for the Grant of PP.

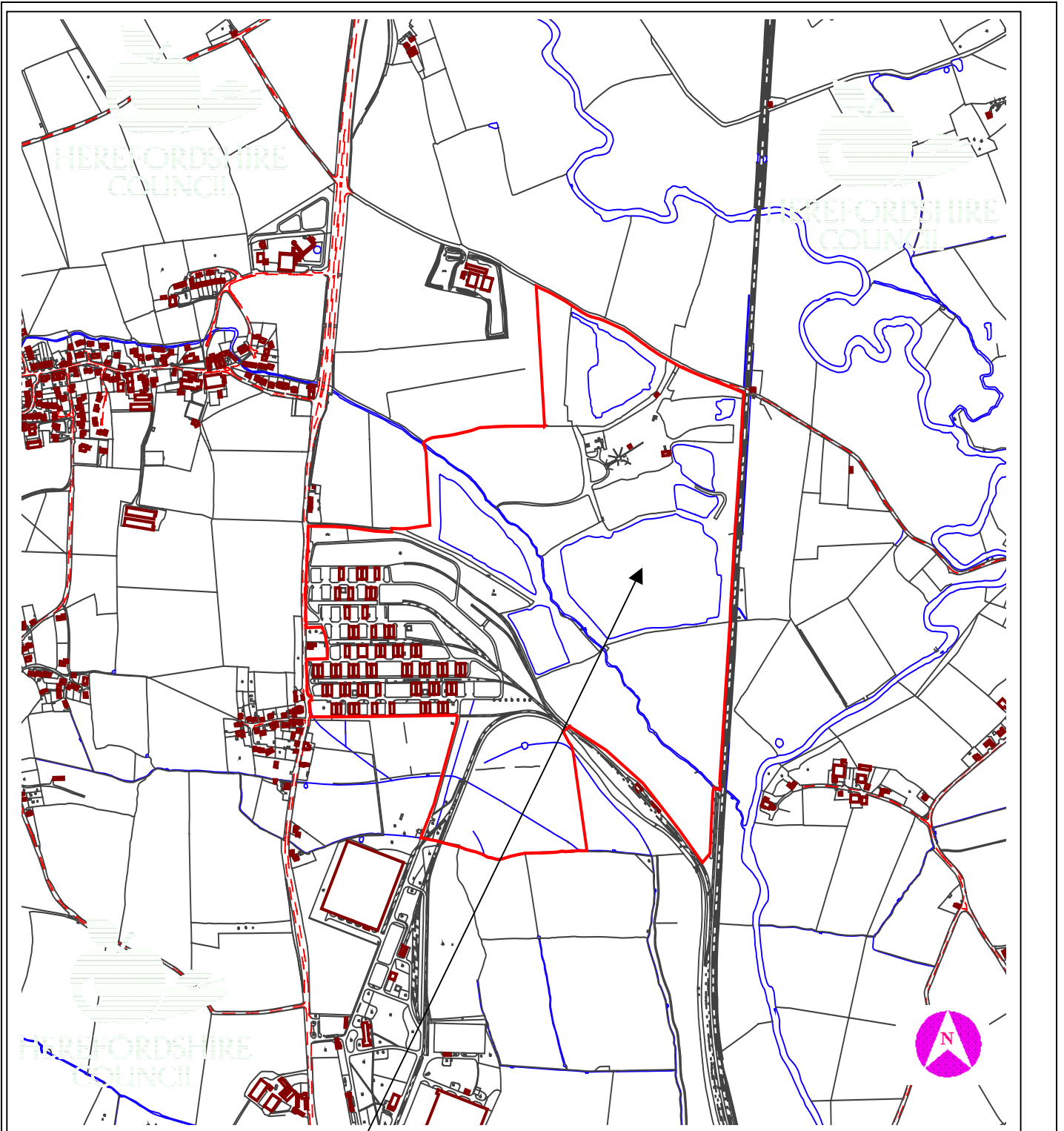
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



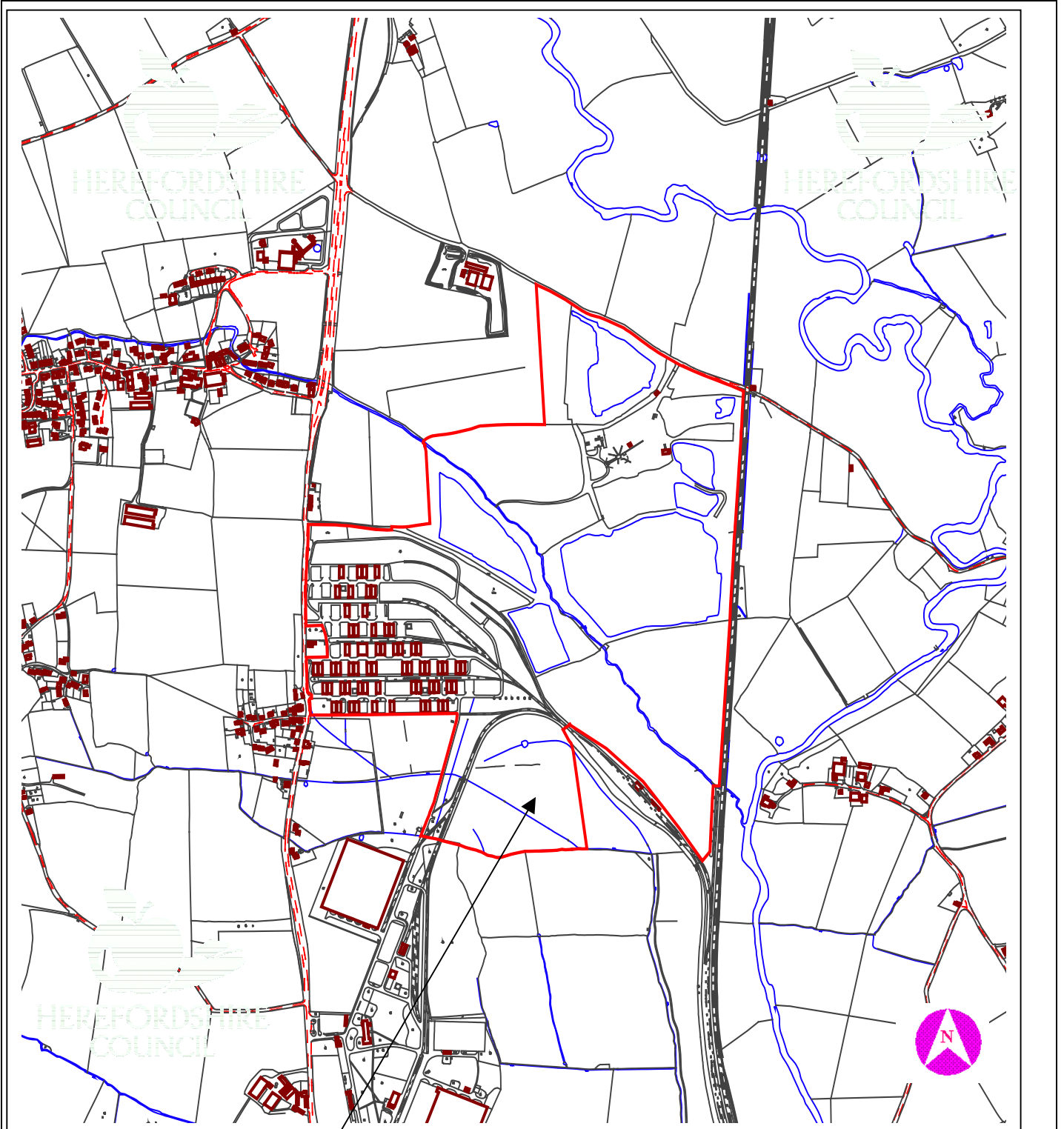
This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/1242/M

SCALE : 1 : 14139

SITE ADDRESS : Wellington Quarry, Wellington, Hereford, HR4 8BY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/1243/M

SCALE : 1 : 14139

SITE ADDRESS : Land at Moreton on Lugg, Hereford

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005