

Application No.: 9.21/62.001.98
(In correspondence please quote this reference)

COUNTY OF DEVON
ENVIRONMENT ACT 1995
Section 96 and Schedule 13

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

To: Mr. I.R. Lanyon

of: Aggregate Industries UK Ltd., Callow Rock Quarry, Shipham Gorge,
Cheddar, Somerset, BS27 3DQ.

Agent for:

of:

The Devon County Council hereby determines the conditions to which the following planning permission(s) (described in the application for approval of conditions dated 24th March 1998) is/are to be subject:-

Planning permission ref.	Date	Description
WB/367/562/54	31/12/54	Construction of spoil dumps
WB/617/104/55	29/04/55	Construction of spoil dumps
WB/8155/748/62	22/02/63	Working minerals and construction of river crossing
9/49/407/93	26/10/93	Importation of quarry and processed stone waste to form amenity bund

in respect of: **New England Quarry, Yealmpton**

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

Edward Chorlton

Edward Chorlton
County Environment Director

Date 24/10/1998

NOTE

This is not a decision under the Building Regulations

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

NEW ENGLAND QUARRY,

Yealmpton, near Plymouth

SCHEDULE OF PLANNING CONDITIONS A

To apply to the whole of the application site

Planning permission referenced 9.21/62.001.98

Condition A1. Unless otherwise agreed in writing with the Mineral Planning Authority the development to which this permission relates shall cease not later than 23rd March 2042 by which date all buildings, plant, machinery and other items relating to mineral activity shall have been removed and the land tidied up.

REASON To comply with Section 91 and Schedule 5 of the Town and Country Planning Act 1990 and ensure removal of all items relating to the use of the land for winning, working and processing minerals.

Condition A2. No development shall be carried out other than in strict accordance with the approved plans referenced 508/PL2, 508/PL3, 508/PL4, 508/PL5, 508/PL6 and 508/PL7 and no development shall be carried out within 7 metres of watercourses running through and on the periphery of the site. Unless otherwise agreed in writing with the Mineral Planning Authority no winning and working shall take place below 24 metres AOD until a monitoring scheme designed to monitor the impact of the development on the immediate groundwater regime, over the life of the quarry, has been submitted to the Council and approved in writing. The approved scheme shall be implemented within three months of the date of its agreement and shall be operated for the duration of the permission.

REASON To enable the Mineral Planning Authority to properly control the development and to minimise its impact on the environment and the rural character of the area.

Condition A3. Unless otherwise agreed with the Mineral Planning Authority, no quarrying or preparatory operations shall take place on the east side of the River Yealm * until the earlier of the following:-

- i) The quantity of economically workable mineral reserves with planning permission within the site on the west side of the River Yealm** does not exceed the amount required for three years production at that time.
- ii) The developer is unable due to regulatory or legislative controls, to work the mineral reserves on the west side of the River Yealm.

* This area of the site is also referred to below as Swainstone Quarry.

** This area of the site is also referred to below as New England Quarry.

REASON To minimise the surface working area of the site at any one time.

Condition A4. Unless otherwise agreed in writing with the Mineral Planning Authority, access for quarrying operations across the river in the Swainstone area of the site will only be via a new bridge and/or conveyor to be constructed in the location approved under planning permission number WB/8155/748/62 and as shown on Plan No. 508/PL4.

REASON To minimise the visual impact of the access route to the new quarry and to retain as much of the woodland area as possible.

Condition A9. Any oil, lubricant or other liquid kept on the site shall be stored in appropriate tanks and containers, which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total capacity of the containers and associated pipeworks. The floor and walls of the bunded area shall be impervious to both water and oil and arrangements shall be made to exclude or safely remove and dispose of rainwater which collects within the bunded area.

REASON To prevent contamination of potential reclamation materials.

Condition A10. All soil stripping, regrading, subsoiling operations and the spreading of soils and their cultivation shall be carried out during periods when there is sufficient soil moisture deficit so as to prevent degradation of soil structure.

REASON To maintain the structure of soils on the site for the maximum benefit of final restoration works.

Condition A11. Topsoil, subsoil and overburden heaps shall not exceed 4 metres in height, unless otherwise agreed in writing with the Mineral Planning Authority, and shall be graded, seeded with grass and mown or grazed and fertiliser applied where necessary.

REASON To maintain the material in a condition suitable for re-use for site restoration purposes.

Condition A12. Save in exceptional circumstances to maintain safe quarry working as required by the Health and Safety Executive (which shall be notified in advance to the Mineral Planning Authority) or unless the Mineral Planning Authority have agreed otherwise in writing, there shall be no primary crushing, primary screening or face working operations, including loading of dump trucks at the site, except between 0700 and 1900 hours, Mondays to Fridays, and between 0700 and 1300 hours on Saturdays. There shall be no such work on Sundays or on Public Holidays. This condition shall not, however, operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery on the site, or the operation of ancillary machinery for water management purposes, providing they are operated in accordance with a scheme to be submitted to, and approved by, the Mineral Planning Authority.

REASON To safeguard the amenities of the occupiers of nearby properties

Condition A13. Except as may be essential for reasons of safety or as otherwise agreed in writing with the Mineral Planning Authority, blasting shall only be carried out between 0900 and 1700 hours on Mondays to Fridays. No blasting shall be carried out on Saturdays, Sundays or Public Holidays.

REASON To minimise the impact of quarrying on the surrounding area.

Condition A14. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 10mm/second at 95% confidence levels over any period of six months, and never exceed 12 mm/second at, or near, the foundations of any residential property. The measurement parameter will be the maximum of three mutually perpendicular directions taken at the ground surface.

REASON To protect the amenities of local residents and reduce the risk of damage to nearby buildings.

Condition A21. Within six months of the date of this decision notice, or prior to the recommencement of quarrying operations on the site, whichever is the later a scheme for monitoring noise generated by the winning and working and processing of minerals shall be agreed with the Mineral Planning Authority; the scheme shall include proposals for the identification, monitoring and control of noise from the site and shall include a routine for recording, monitoring and dealing with complaints about any aspect of quarrying operations at the site.

The development shall only be carried out in accordance with the approved schemes, which shall be complied with at all times, or such other schemes as may be approved in writing by the Mineral Planning Authority.

REASON To enable the Mineral Planning Authority to monitor noise levels at the site and to make provision for a routine for dealing with any complaints received about on site activities.

Condition A22. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the scheme shown on approved plan ref 508/PL6, which constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a restoration scheme, to include details of aftercare, shall be submitted for the approval of the Mineral Planning Authority, within six months of the date of cessation of winning and working, or within such other period as may be agreed in writing with the Mineral Planning Authority. The approved restoration and aftercare scheme shall be implemented within two years of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

REASON To ensure satisfactory restoration of the application site in the event of premature cessation of quarrying activities.

Condition A23. Progressive restoration of the site shall be carried out in accordance with the scheme shown on approved plan 508/PL6, unless otherwise agreed in writing with the Mineral Planning Authority. The restoration of the site shall be carried out in accordance with a timetable which shall be agreed within one year of the date of this decision notice or prior to the recommencement of quarrying operations at the site, whichever is the later.

REASON To ensure satisfactory restoration of the application site.

Condition A24. Unless otherwise agreed in writing with the Mineral Planning Authority:-

- a) Aftercare scheme(s) requiring such steps as may be necessary to bring the land to the required standard for agriculture, forestry or amenity use shall be submitted for the approval of the Mineral Planning Authority not later than the expiration of one year prior to the anticipated date of completion of the restoration site.
- b) The submitted scheme(s) shall specify the steps to be taken and the periods during which they are to be taken. Such steps shall be carried out for a minimum period of five years following completion of the operations required to comply with sub condition a) above.
- c) Subject to sub condition d) below, aftercare of the land which is the subject of this permission shall be carried out in accordance with the aftercare scheme as approved by the Mineral Planning Authority.
- d) Where the Mineral Planning Authority agrees in writing with the person or persons responsible for undertaking the aftercare steps, that there shall be lesser steps, or a different timing between steps, the aftercare shall be carried out in accordance with that agreement.

REASON To ensure that the aftercare schemes are satisfactory and that the land is restored to a beneficial after-use.

NEW ENGLAND QUARRY,

Yealmpton, near Plymouth

SCHEDULE OF PLANNING CONDITIONS B

To apply to the area hatched red on Plan Number 508/PL2
Planning permission referenced 9.21/62.001.98

Condition B1. The development hereby approved shall be commenced within one year of the date of this decisions notice.

REASON To accord with Section 91 of the Town and Country Planning Act 1990

Condition B2 No waste shall be imported from Moorcroft Quarry after 31 December 2012

REASON To enable the Mineral Planning Authority to reconsider the situation and assess the availability of tipping capacity after that period.

Condition B3 Tipping, grading, restoration and planting works shall be carried out in a phased manner as set out in the detailed report prepared by Peter Swann and Associates dated March 1993 and submitted in support of the planning application. All the works and tree planting shall be carried out by 31 December 2013.

REASON To ensure that the works are carried out within a set timescale.

Condition B4 Any trees planted in accordance with the requirements of Condition B3 which die or are removed within 5 years of planting shall be replaced in the planting season immediately following death or removal.

REASON To ensure successful restoration of the site.

Condition B5 All lorry and heavy goods vehicle movements between New England Quarry and Moorcroft Quarry shall be made along the routes coloured red and yellow on the plans numbered 1 and 2 which were attached to the ECC Construction Materials Ltd letter dated 21 May 1993 and referenced TRC/JMM/6531C **.

REASON To control the movement of heavy vehicles in the interest of amenity

Condition B6 The development hereby approved shall not recommence until a scheme for dust suppression measures has been submitted to and approved by the Mineral Planning Authority. These dust suppression measures shall be maintained and carried out whenever the need arises.

REASON In order to control dust emissions in the interests of amenity.

* A copy of this report, which includes plans referenced 378/2, 378/3, 378/4 and section referenced 378/5 is attached as Appendix B(i)

** A copy of the letter and plans is attached as Appendix B(ii)