

Committee Report

Application Number:	CM/0055/19
Title:	Planning Application made under Section 73 of the Town and Country Planning Act 1990 to vary Conditions 3 and 4 attached to Planning Consent SBD/8204/07 at East Burnham Quarry
Site Location:	East Burnham Quarry Farnham Lane East Burnham Slough SL2 3SD
Applicant:	Mr Mike Lowe (Summerleaze Limited)
Case Officer:	James Suter
Electoral divisions affected:	Farnham Common & Burnham Beeches
Local Member(s):	Lin Hazell
Valid Date:	31/10/19
Statutory Determination Date:	30/01/2020
Extension of Time	30/03/2020
Agreement:	

Summary Recommendation(s): Subject to the applicant entering into a section 106 Agreement to provide for the continued routing of vehicles along Farnham Lane to the east of the site entrance, the monitoring of dust levels to Burnham Beeches and to retain the services of a qualified Landscape Architect, the Development Control Committee is invited to **APPROVE** application no. CM/0040/19 that seeks to extend the time limit for all mineral extraction and landfilling from 31st December 2020 to 31st December 2024 (Condition 3) and the time limit for restoration from 31st December 2021 to 31st December 2025 (Condition 4) subject to the conditions set out in Appendix A. If agreement to a section 106 in the terms sought cannot be reached, authority is delegated to the Head of Planning and Environment to refuse the application for the reasons he

considers to be appropriate.

1.0 Introduction

- 1.1 Application CM/0055/19 is for the variation of Conditions 3 and 4 attached to Planning Consent SBD/8204/07 at East Burnham Quarry, Farnham Lane, East Burnham. The application seeks to extend the time limit for all mineral extraction and landfilling from 31st December 2020 to 31st December 2024 (Condition 3) and the time limit for restoration from 31st December 2021 to 31st December 2025 (Condition 4).
- 1.2 Operational procedures including vehicle movements are not proposed to change as part of this planning application.
- 1.3 The application is being reported for determination by the Development Control Committee as it is a major application and objections have been received from local residents.

2.0 Site Description

- 2.1 East Burnham Quarry is located north of Slough in East Burnham with access from Farnham Lane and a haul road that crosses Allerds Road. The extant planning permission for the site (SBD/38/88) Phase 3 may not be worked until planning conditions submitted as part of the Review of Old Mineral Permissions (ROMP) are agreed with the Minerals Planning Authority and thus at present remains dormant. Phase 1 of East Burnham Quarry has already been worked and landfilled. Excluding the quarry access road, wheel cleaning area and weighbridge, it is restored. The active phase of the quarry, and the part subject to the planning application, is Phase 2. This has an area of approximately 12.5 hectares.
- 2.2 The site is located approximately 230m south of Burnham Beeches which is a Site of Special Scientific Interest (SSSI). Burnham Beeches is also a European Special Area of Conservation (SAC). The site also lies within the Metropolitan Green Belt but is not regarded as inappropriate as the development is mineral extraction and is not considered to conflict with the preservation of openness or the purposes of the designation.
- 2.3 There is an existing bridleway skirting the border of the site to the south east and northern extents. The site is approximately 200m from the outskirts of Slough to its south. The nearest residential properties are Leys Farm and Fox Cottage roughly 30m to the north of the operational area of the site and south of the haul road respectively.
- 2.4 Leys Farmhouse and Barn at Leys Farm are both Grade II listed buildings approximately 30m north of the site boundary.
- 2.5 The location of the site is shown in the site location plan below (Figure 1).

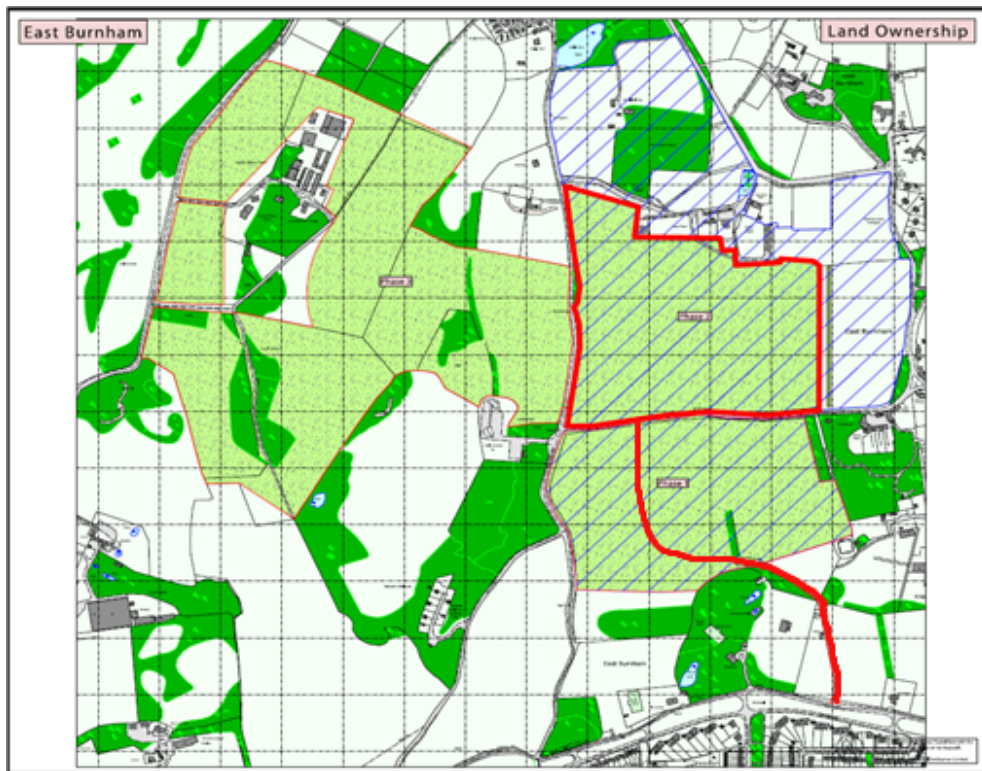


Figure 1: Site location map showing the location of Phase 2 outlined in red.

3.0 Site History

3.1 Planning history at the site includes the following:

Planning Application No.	Proposal	Decision	Date
CM/57/15	Variation of condition 14 of consent SBD/8207/00 so that the reference to any specific date should be omitted from Condition 14, so that the removal of the road crossing should be tied to the timescale for restoring East Burnham Quarry.	Approved	November 2015
NMA/34/15	Non Material Amendment to ROMP permission SBD/8204/07. Substitution of drawing 126(a).01 Rev C with drawing 126(a).01 Rev D to allow the addition of 3m high x 100m long earth bund between Allerds Road and the crest of the restored landfill. The soils would come from the Phase 2 working with the bund being removed as part of the final restoration. Land At East Burnham Quarry Farnham Lane East Burnham Bucks SL2 2AS	Approved	July 2015
SBD/8204/07	Application for Determination of Conditions for Existing Minerals Site (Review of Old Minerals Permission Application) Land At East Burnham Quarry Farnham Lane East Burnham Bucks SL2 2AS	Approved	July 2008
SBD/8201/04	Variation of condition 4 of consent SBD/838/88 to allow provision of a level road crossing of Crowpiece Lane. East Burnham Quarry Crow Piece Lane Burnham Slough Buckinghamshire SL2 2TD	Withdrawn	March 2009
SBD/8207/00	Variation of condition iv of consent SBD/838/88 to allow the provision of a signal controlled road crossing at Allerds Road, East Burnham Quarry and Landfill, Burnham.	Approved	March 2009

SBD/838/88	Proposed winning and working of sand and gravel, crossing of highway, importation of filling material and restoration to agriculture. (ROMP) (A legal agreement covering various matters including vehicle routing and dust and groundwater monitoring to the Burnham Beeches SSSI was entered into at this time.)	Approved	1992
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4.0 Description of Proposed Development

4.1 Application CM/0055/19 seeks to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry.

4.2 Condition 3 of consent SBD/8204/07 currently states:

- *All mineral extraction and landfilling shall cease on or before 31 December 2020.*

4.3 The application seeks to vary condition 3 with the following wording:

- All mineral extraction and landfilling shall cease on or before 31 December 2024.

4.4 Condition 4 of consent SBD/8204/07 currently states:

- *All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2021.*

4.5 The application seeks to vary condition 4 with the following wording:

All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2025.

4.6 In support of the application it is stated by the applicant that there remains circa 120,000 tonnes of mineral remaining on site and circa 200,000m³ of void space to be infilled and restored. Furthermore, at the current rate of working and exportation, it is estimated that this would take circa 3 to 3.5 years to extract, with a further 1-2 years for infilling depending on market demands. Hence, Summerleaze Ltd seek extension to the completion date for mineral working and infilling to 31st December 2024, with restoration being completed by the end of 2025.

4.7 There would be no change to on-site process as a result of this proposed application. The current operation is limited to 190 movements to and from the site per day and this will remain the same. The operations hours are also limited:

- 07:30 - 18:00 Monday – Friday
- 07:30 – 12:30 Saturday
- Not at all on Sundays and Public Holidays.

5.0 Planning Policy and Other Documents

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The development plan for this area comprises of:

- Buckinghamshire Minerals and Waste Local Plan 2016-2036 (BMWLP)
- South Bucks District Local Plan (SBDLP) 1999
- South Bucks District Core Strategy 2011.

5.3 Other documents that need to be considered in determining this development include:

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)

5.4 The following policies are considered to be relevant to this development:

Buckinghamshire Minerals and Waste Local Plan (2016-2036)

- *Policy 3: Sand and Gravel Provision*
- *Policy 12: Disposal to Landfill*
- *Policy 13: Spatial Strategy for Waste Management*
- *Policy 16: Managing Impacts upon Amenity and Natural Resources*
- *Policy 17: Sustainable Transport*
- *Policy 18: Natural Environment*
- *Policy 19: Historic Environment*
- *Policy 20: Landscape Character*
- *Policy 21: Green Belt*
- *Policy 23: Design and Climate Change*
- *Policy 25: Delivering High Quality Restoration and Aftercare*
- *Policy 26: Safeguarding of Minerals Development and Waste Management*
- *SO7: Design and Amenity*
- *SO9: High Quality Restoration and Aftercare*

South Bucks District Local Plan (SBDLP)

- *Policy GB1 - Green Belt;*
- *Policy EP3 - The Use, Design and Layout of Development;*
- *Policy EP4 - Landscaping;*
- *Policy TR5 - Accesses, Highway Works and Traffic Generation;*
- *Policy TR10 - Heavy Goods Vehicles.*

South Bucks Core Strategy (SBCS)

- *Policy CP7 – Accessibility and Transport*
- *Policy CP8 – Built and Historic Environment*
- *Policy CP9 - Natural Environment.*

5.5 South Bucks District Council is in the process of producing a new Local Plan - Chiltern and South Bucks Local Plan 2036 (CSBLP) which will supersede the adopted Core Strategy and Local Plan. The Chiltern and South Bucks Local Plan 2036 was submitted for independent examination on 26 September 2019. The emerging CSBLP is considered to be at an advanced stage of preparation and therefore, is a material consideration for the determination of planning applications.

5.6 The National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW) are also material considerations.

6.0 Consultation Responses

6.1 Local Member Lin Hazell – No comment received

6.2 Burnham Parish Council comment as follows:

*The Committee RESOLVED to **OBJECT** to the application, as it was felt that prolonging the duration the site was permitted to operate would thereby also compound the adverse effects of it.*

The primary objections included: there were ineffective measures to control the surface water flood risk from the haul road; the proximity of the haul road/site would adversely impact on the residential amenity and health of residents, due to dust, fumes, and noise generated from the operations; allowing continued HGV movements would add to the significant deterioration of the highway surface; the spread of dirt across the road surface (notably from the Phase 2 site) would also continue; the period requested was viewed as excessive; there were highway safety concerns due to the speed/scale of the HGVs. It was also felt that an environmental impact assessment was in fact needed to properly scrutinise the application.

6.3 Strategic Planning and Infrastructure comment as follows:

“In considering the variation to Conditions 3 and 4, the extension of time for this development, there needs to be consideration given to ensure no unacceptable adverse impacts on communities as well as the built, natural and historic environment.

This is alongside the need for extraction sites to be reclaimed at the earliest opportunity and delivering high quality restoration and aftercare. This is one of the strategic objectives for the Buckinghamshire Minerals and Waste Local Plan and reflected through the policy requirements in Policy 25: Delivering High Quality Restoration and Aftercare.

Provided the remaining conditions of SBD/8204/07 that seek to protect the impact on communities remain valid, and in order to ensure that all mineral is extracted and

*restoration of this site is achieved, the Strategic Planning and Infrastructure team have **no objection** to the extended completion date of the 31st December 2024 for the mineral working and infilling to, and restoration being completed by the end of 2025.”*

6.4 Rights of Way Internal - No comments from a rights of way perspective

6.5 Highways Development Management comment as follows :

The original conditions were not suggested by the Highway Authority at the time and I am not aware of any highway issues that have arisen from the site. The variation of conditions would not result in a significant highway impact over and above what currently exists. The applicant would still adhere to the conditions restricting HGV numbers as part of the previous consent and therefore I do not consider that I could reasonably object to the extension of the time periods given. I trust that the Planning Authority will consider the impact of an additional 4 years of HGV movements from an amenity perspective.

*Mindful of the above, I have **no objection** to the variation of condition in this instance.*

6.6 LLFA (Lead Local Flood Authority) – **No objection** to the proposal.

6.7 Natural England – Comment as follows:

*Natural England currently has **no comment** to make on the variation of conditions 3 and 4.*

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Further to our recent response I can confirm that Natural England agree with the conclusions of the HRA in respect of Burnham Beeches SAC.

6.8 SBDC District Planning Officer – **No objection** to the application ensuring that the proposal complies with all relevant policies in the development plan.

6.9 SBDC Historic Buildings Officer – No comment received.

6.10 SBDC Environmental Health Officer comments as follows:

*“After reviewing the matter I confirm that the team **would not object** to the proposed extension of time for the operation of the quarry provided that conditions 25 and 26 (Notice of determination SBD/8204/07 dated 18th July 2008) are applied to the property “Fox Cottage” alongside the other properties listed in the document.*

It is recommended the applicant prepares a noise management plan (NMP), within two months of the date of any permission granted, and submits that plan for

approval by the local planning authority. Such approval not to be unreasonably withheld. As a minimum the plan should contain the following elements:

- 1) A commitment to monitoring and maintaining the access road surface to a good standard, both east of the weighbridge and west of the weighbridge and wheel spinner up to Allerds Road, to stop HGVs noisily “bouncing” over potholes.*
- 2) A commitment to check, repair and enhance the quarry bunds and timber noise barriers, to maximise noise mitigation as far as reasonably practicable.*
- 3) A commitment to provide noise mitigation in the form of a substantial barrier along the southern side of the current ‘wheel spinner’ area, to extend beyond the front and rear of any HGV using the ‘wheel spinner’. The target attenuation for the barrier should be 10 dB(A), when measured at the nearest sensitive receptor. Reason, to reduce noise impacts from wheel cleaning activity on nearby receptors.*
- 4) An annual review of the NMP which takes into account any changes in noise sources or their location.*

It is recommended noise surveys are undertaken before and after the plan is first put into practice and submitted to the local planning authority as evidence that noise impacts have been reduced as far as is reasonably practicable.”

6.11 Ecology comment as follows:

We have reviewed the documents submitted with this application and understand that the application is for an extension of time for extraction and restoration within Phase 2. There will be no changes to the quarrying process or restoration proposals approved under SBD/8204/07.

Habitat Regulations Assessment - screening As you are aware, the Conservation of Habitats and Species Regulations 2017, Section 63 part (1) requires:

“63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives.”

Part 2 states: “(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.”

Following my discussions with... (The Mineral Planning Authority) in November 2019 on receipt of the application, we are pleased to have received an HRA screening report from the applicant’s ecology consultants. We consider that this report provides the information required to allow us as to be able to determine that

there will be no likely significant effects on Burnham Beeches SAC as a result of the proposals; and therefore that an appropriate assessment is not required.

EIA screening - *Thank you for submitting an EIA screening form. We agree with the conclusion that the proposed development is not considered likely to result in any additional significant environmental effects which were not addressed as part of the existing planning permission, and as such that an EIA is not required.*

6.12 Environment Agency - have no objections to the time extension of conditions 3 & 4 as submitted.

6.13 Burnham Beeches Offices, Corporation of the City of London comment as follows:

Thanks for the opportunity to comment on planning application CM/0055/19 to extend the period of working at East Burnham Quarry for an additional four years.

We would have preferred the quarry working to have ceased within the time scale of the planning consent as granted. If this is not possible, we cannot see any particular benefit to ceasing the quarrying activities now and having a hiatus, with work potentially resuming in a few years' time.

We would however like to ensure that the hydrological monitoring is also extended and that the protocol devised previously continues to be followed in case of any adverse impacts found following restoration as well as while the quarry is active. It would be helpful if someone from the Council was involved in this process to ensure compliance in case of issues of concern.

6.14 Slough Borough Council – No comment received

6.15 National Grid UK Transmission – No comment received

7.0 Representations

7.1 Representations have been received from members of the public: 16 objections, none in support and 2 neither in objection nor support but raising concerns. The reasons for objection and concerns raised are summarised as follows:

- Potholes / perceived deterioration of highway from HGV use
- Longevity of the extension
- Noise
- Impact of dust and air pollution on human health and wildlife
- HGV use of the highway
- Mud upon the highway from the development
- Amenity impact upon Fox Cottage

8.0 Discussion

8.1 The application is seeking to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry.

8.2 The main issues for consideration in relation to application CM/0055/19 are:

- Principle of the Development
- Impact on amenity
- Highway Impacts
- Historic Conservation and Landscape
- HRA and Impact upon Burnham Beeches SSSI

Principle of the Development

- 8.3 Policies 12 and 13 of the BMWLP when taken together provide support for the deposit of inert waste to mineral extraction sites with extant planning permission to facilitate restoration. Further to this Policy 3 of the BMWLP identifies the need for the Mineral Planning Authority to maintain the landbank for sand and gravel equivalent for at least 7 years supply. The extension of time helps meet the requirements of this policy. Thus, with regards to these policies it is considered that the application is supported.
- 8.4 The proposed development is located within the Metropolitan Green Belt. The aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. It is protected from inappropriate development through Policy GB1 of the SBDLP and Policy 21 of the BMWLP. Policy GB1 of the SBDLP highlights development types considered to be appropriate within the Green Belt. This includes mineral working and the subsequent restoration of land. This is supported by Paragraph 145 and 146 of the National Planning Policy Framework which lists mineral extraction as not inappropriate within the Greenbelt provided it preserves its openness and does not conflict with the purpose of including land within it.
- 8.5 Similarly, Policy 21 of the BMWLP seeks to protect the openness and characteristics of the Green Belt. The mineral extraction permitted at this site has not previously been concluded to conflict with the openness of the Green Belt or the purposes of designation. Similarly, it is not considered that the extension of the development for a further four years would impinge upon the openness of the Green Belt. The progression of the development is necessary in order to now ensure the satisfactory restoration of phase 2. It is considered the proposed variation does not lead to the development being in conflict with the above policies.
- 8.6 Policy 26 of the BMWLP states mineral extraction sites with extant planning permission are safeguarded for development. Therefore, before the site can be released from the safeguarding, extraction must be completed and the site restored and the aftercare completed.
- 8.7 Policy 25 of the BMWLP seeks to reclaim extraction sites at the earliest opportunity while delivering high quality restoration and aftercare and reflects strategic objective 7 of the BMWLP. Therefore, whilst an extension of time might be viewed as not returning the site to a restored state as soon as practicable; it is a relatively short extension with regards to the total life of the quarry and will still work towards an

agreed restoration plan. The applicant has also, as mentioned above, given a rationale as to why the extension is required.

Impact upon Amenity

- 8.8 Policy 16 of the BMWLP seeks to manage impacts upon amenity and natural resources. The policy requires minerals and waste development to demonstrate the development is environmentally feasible, secures a good standard of amenity and would not give rise to unacceptable adverse impacts on the following: quality and quantity of water resources, Source Protection Zones and flood risk, soil resources, air emissions (including dust), human health and wellbeing and amenity to communities, noise, vibration, light, visual impacts and/or intrusion, migration of contamination from the site, potential land use conflict, and cumulative impacts. Policy EP3 of the SBDLP makes similar provision to protect the amenities of neighbouring properties and the locality in general.
- 8.9 With regards to the adverse impacts and amenity of traffic, Policy TR10 of the SBDLP makes similar provision and seeks *to secure that HGV movements generated from a development would not adversely affect the character or amenities of nearby properties or the locality in general, for example through noise, vibration, disturbance or visual intrusion covering similar amenity concerns raised as part of Policy EP3 of the SBDLP.*
- 8.10 The application has generated public interest with regard to noise, air emissions, human health and mud on the highway from the development.
- 8.11 In regards to mud on the highway originating from the quarry, the deposition of mud and other debris onto the highway is prohibited by the Highways Act and is controlled by existing conditions. Hence, in this regard there is no change from the existing situation and there are already measures in place to so that this can be managed.
- 8.12 With regard to air emissions, those such as dust are controlled by Condition 27 attached to planning permission SBD/8204/07 requiring: the water spraying of the haul road during dry conditions, on site speed limit of 10mph and a ban on soil removal or replacement in high winds. This will continue to be monitored by the Mineral Planning Authority to ensure compliance. Further to this, the Environment Agency controls air pollution within their permit from a pollution perspective. Therefore, it is considered the impacts of air emissions including dust are sufficiently controlled.
- 8.13 The focus of many objections from the public has been the noise impact of the development upon Fox Cottage and the associated impact upon wellbeing. Fox Cottage is located within the grounds of Deepwood House and is roughly 20m from the development haul road. At the time the planning permission (SBD/8204/07) was granted in 2007 the full noise impacts from the wheel spinner and haul road upon Fox Cottage do not seem to have been explicitly considered.
- 8.14 In support of the application the applicant has undertaken a noise measurement report to provide better understanding of the issues raised. This concludes that the calculated noise levels from the access road and wheel spinner at Deepwood and

Fox Cottage would be 47 and 49 dB LAeq, 1 hour free field (this is the averaged noise level over one hour) respectively. These fall below the figure of 55 dB LAeq, 1 hour free field set out in the national Planning Practice Guidance for noise from mineral workings. Condition 26 of the existing planning permission sets this as the noise level not to be exceeded for other locations around the quarry. It is therefore suggested that should planning permission be granted, a similar condition should be included to also include Deepwood House and Fox Cottage. Noise levels from temporary operations, such as soil removal and installation of haul roads are similarly controlled by Condition 25 limiting operations to a maximum of 70dB LAeq 1hr in line with national Planning Practice Guidance. It is also suggested that Deepwood and Fox Cottage are included in a similar condition should planning permission be granted. The wording of these conditions should also be amended to make provision for measurements of noise levels to be from locations accessible to the applicant as the applicant cannot oblige third parties to provide access to their properties.

- 8.15 The noise report has also calculated that the maximum noise level at any one time when the wheel spinner was in operation would be 58 dB LAFmax and 60 dB LAFmax at Deepwood and Fox Cottage respectively. On the recommendation of the noise survey, the applicant has indicated there will be the erection of a temporary acoustic barrier alongside the wheel spinner to provide noise attenuation for Fox Cottage in order to mitigate noise from the wheel spinner. This is calculated to attenuate the noise by around 10 dB (A). This would be maintained and then removed as part of the restoration of the site.
- 8.16 An acoustic barrier would be considered as permitted development as per Part 17 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) as its purpose is in connection with the operation of an approved sand and gravel quarry provided a number of set criteria are met. Prior approval from the Minerals Planning Authority would be required along with the submission of details from the applicant. Condition 29 of permission no. SBD/8204/07 currently requires that notwithstanding permitted development rights, no plant, building, machinery or structure shall be erected at the site without the prior written approval of the Mineral Planning Authority. The reason for this condition is in the interests of visual and landscape impact. If this condition were to be carried forward to any new planning permission granted to this application then formal permission would be required for such a structure. Nonetheless, as it has been identified that such a structure would mitigate noise impact from the wheel spinner, it is also the case that a specific condition could be attached to any permission granted requiring the provision of details of the noise attenuation barrier for written approval and its maintenance until such time as it needs to be removed as part of the restoration of the site. This would allow for the impacts of the structure to be considered prior to any formal approval, although such a structure has already been erected immediately to the south of the wheel spinner and photographs of this will be included in the presentation to the committee meeting. In principle however, it is considered that the provision of such a structure would be beneficial in terms of limiting the impacts of noise.

- 8.17 The Environmental Health Officer has also suggested a condition requiring a noise management plan be submitted for approval and for annual review as set out in paragraph 6.10 above. Whilst this is acknowledged, it is considered that the revisions to the conditions discussed above along with the provision of the acoustic barrier to the wheel spinner would mitigate any impacts to acceptable levels and that the requirement for such a scheme could not be justified as reasonable to make the development acceptable. It is however considered reasonable to attach a condition requiring that the surface of the haul road into the site from Farnham Lane and through to Allerds Road be maintained free from potholes.
- 8.18 The impacts upon water resources are controlled by condition regarding groundwater monitoring and this should be carried forward to any permission granted to this application. The development as already permitted provides for the site's soil resources to be retained and used as part of the site's restoration . It is noted that Burnham Parish Council state that they consider measures to control surface water flood risk from the haul road to be ineffective. However, the Lead Local Flood Authority has raised no concerns. Moreover, the recent weather conditions have been *the wettest on record* and pooling of surface water is to be expected in light of this.
- 8.19 Considering Policy EP3 and Policy 16 of BMWLP it is considered as this is a proposal for an extension of time for current ongoing development no existing impacts are going to be worsened. Provided the Environmental Health Officer is satisfied that the impacts are acceptable; the return of a minerals extraction site to a restored site is supported by policy.
- 8.20 Overall, as there is no proposed change to onsite process, hours of operation or any intensification of the development, it is considered that the amenity impacts of this are not unacceptable subject to the revised and additional conditions with regard to noise impacts set out above and subject to the comments of the Environmental Health Officer.

Highway Impacts

- 8.21 Policy 17 of the BMWLP requires minerals and waste development to provide a Transport Assessment addressing various highways matters including: opportunities for alternative to road transport, access to the site, traffic flows, market base identification, capacity of the local network, identification of any improvements to the network, identification of any adverse impacts and emission control. In this case it is considered opportunities for alternatives to road transport were not feasible at the time of the original granting of the permission and that remains the case. Moreover, as the application is for an extension of time and no changes to process are suggested it is considered the provision of a Transport Assessment is not applicable. Regarding sustainable transport, Core Policy 7 of the SBCS seeks to improve accessibility and sustainability of the transport network. It is considered in this case the policy has little relevance as the proposal is not for new development but for an extension of time for an existing development.

- 8.22 Policy TR5 of the SBDLP requires that the proposal complies with the standards of the Highways Authority, seeks to prevent capacity of highways network being breached and to protect local amenities.
- 8.23 The Highways Authority has considered the variation of conditions would not result in a significant highway impact over and above what currently exists. The movements of HGVs are restricted by condition and therefore the Highways Authority does not consider they could reasonably object to the extension of time on Highways Authority grounds. There has been comment from the public regarding HGVs turning right at the end of the access roads. At present there is a large sign stating no right turn. The presence and maintenance of this sign can be secured by condition as set out in appendix A.
- 8.24 Routing of HGVs beyond the sole use of the access road is not controlled within planning permissions although a legal agreement entered into when planning permission was granted for the current quarry area on appeal in 1992 makes provision for routeing of vehicles to Farnham Lane to the east of the site entrance to and from the point where it meets Farnham Road (the A355). There is no successor clause in this legal agreement and therefore it is considered that a variation to it to apply also to this current application should be required prior to any grant of planning permission. As stated above the number of HGV movements is also restricted by condition and there is no proposed change beside the extension of time for a further four years to complete extraction and restoration. It is therefore considered that there would be no exacerbation of the highways impacts already permitted for the development and the proposal is broadly in accordance with policy.
- 8.25 Overall, considering the impact of the development upon highways networks it is considered at this time that the proposal is in compliance with listed policies.

Historic Conservation and Landscapes

- 8.26 Policy 19 of the BMWLP requires minerals and waste development to conserve heritage assets in a manner appropriate to their significance and enhance the historic environment. Core Policy 8 of the SBCS makes similar provision. As stated, approximately 30m to the north of Phase 2 of the development there are two Grade II listed buildings. These were taken into account at the time of the application with bunding implemented to reduce the impact. The application is for an extension of time and proposes no change to on site process. Therefore, the only change this development would provoke is the extension of impacts already permitted. The SBDC Historic Buildings Officer has also offered no comment regarding this application. From a historic conservation perspective it is considered that the development is in accordance with the above policy.
- 8.27 Policy 20 of the BMWLP seeks that minerals and waste development protect and enhance valued landscape. The development is already subject to a permitted restoration and planting scheme. Policy EP4 makes similar provision and as the permitted schemes are not proposed to change as part of this development the

application is considered to be in compliance with policy. Therefore, with respect to landscape policy it is considered that in view of the restoration condition this development is in accordance.

Natural Environment, HRA and Impact upon Burnham Beeches SSSI

- 8.28 Policy 18 of the BMWLP seeks to conserve and enhance natural assets and resources, including protected and notable species. A hierarchy of designated sites and level of protection afforded to them is contained within Policy 18. SSSIs and SACs are afforded the highest level of protection and are to be protected with no likely adverse effects on the sites.
- 8.29 Burnham Beeches is designated as both a SAC and SSSI and therefore was subject to a Habitats Regulation Assessment (HRA) screening to determine whether there would be significant effects upon the site. Information was provided by the applicant to Natural England and the Council's Ecologists to assess this. As stated in the comments listed earlier in the report, both groups found they were able to determine that there will be no likely significant effects on Burnham Beeches SAC as a result of the proposal and therefore a full HRA was not required.
- 8.30 The policy also seeks net gains in biodiversity from developments. The development is already subject to an agreed and secured restoration and planting plan, a condition for ongoing groundwater monitoring and dust monitoring pursuant to the Legal Agreement. Core Policy 9 of the SBCS makes similar provision and sees to protect the landscape and natural environment. It is considered the development is in accordance with these policies.

Other Matters

- 8.31 Policy 23 of the BMWLP seeks to secure high quality design which minimises adverse effects on and from climate change. The policy seeks that proposed development: incorporates attractive functional design, reflects local character, incorporates safety and security measures, complies with the principles of sustainable design and construction, applies the Sustainable Drainage System Hierarchy, minimises greenhouse gas emissions and utilises native species in planting schemes. It is recognised within the policy that minerals development may have a reduced capacity to address some of the above criteria, however they should be addressed to the fullest extent possible. As previously mentioned, the development has an agreed planting and restoration scheme and therefore is considered to be in compliance with this policy.

9.0 Equality and Diversity issues

- 9.1 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

10.0 Conclusion

- 10.1 The proposed development to vary Conditions 3 and 4 of Planning Consent SBD/8204/07 relating to the mineral workings at East Burnham Quarry to grant a further 4 years to complete mineral extraction and restoration has been assessed against development plan policy. It is considered that the proposal is broadly in compliance with listed policies.
- 10.2 The application did receive objections from both the public and consultees. The majority of these comments were in relation to HGV movements, noise, mud and dust from the development but also the longevity of the extension requested. It is considered that the longevity has been justified by the applicant and whilst it might seem generous, the market is prone to fluctuation in demand. Impacts upon amenity have been considered from a planning perspective and therefore, subject to the comments of the Environmental Health Officer and to the varied and additional noise conditions proposed, it is considered that the application would not result in an unacceptable impact.
- 10.3 Therefore, it is recommended that planning permission be granted for the development previously permitted to continue subject to the requested variation of conditions 3 and 4 for an addition 4 years operation. At this time it is appropriate to update the conditions such that they reflect the progression of the development and any schemes which have already been approved, reference to the current development plan in the reasons for the conditions and that the development is in accordance with the plans approved as part of the Non-Material Amendment NMA/34/15. A further section 106 Legal Agreement will also be required to carry forward the vehicle routeing and any other clauses of the original agreement which remain pertinent to the development. If agreement cannot be reached then this application would have to be refused.

Appendix A: Scheme of Conditions

1. The development shall commence no later than three years from the date of this consent. No later than seven days before the date of commencement, written notification of the date of commencement shall be provided to the County Planning Authority.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The details hereby approved are for the phase 1 and phase 2 land only, as identified on Site Location Plan drawing no.: M06126.01, and except where modified by this schedule of conditions the development shall not be carried out other than in accordance with the approved plans and documents:

- Drawing number M06126(a).01 Rev D, Scheme of Working
- Drawing number M06126(a).02 Rev C, Restoration Scheme

- Drawing number M06126(a).09 Rev C, Detailed Restoration of Phase 2
- Drawing number M06126(a).10 Rev C, Phase 2 Block Phasing
- Drawing number M06126(a).11 Rev C, Phase 2/1a and 1b
- Drawing number M06126(a).12 Rev C, Phase 2/2a and 2/2b
- Drawing number M06126(a).13 Rev C, Phase 2/3a and 2/3b
- Drawing number M06126(a).14 Rev C, Restoration of Part of Phase 2/2b and Phases 2/3a & 2/3b
- Drawing number M06126(a).15 Rev B, Details of Site Office Area
- Drawing number M06126(a).22 Rev B, Typical Section through Site Peripheral Bunds including New Post and Wire Fencing
- Drawing number M06126(a).23 Rev C, Restoration Planting Detail • Drawing number M06126(a).24 Rev B, Fence Detail
- Drawing number M06126(a).25 Rev C, Hedgerow Management
- Planning Statement September 2007
- Hedgerow Condition Survey dated 21 April 2008
- Letter dated 17 February 2008

Reason: For the avoidance of doubt and to ensure proper control of the development in the interests of local amenity (BMWLP Policies 16 and 25).

3. There shall be no working (including site preparation works) of the land identified as phase 3, unless a supplemental application for review of the conditions of the mineral permission, to include an environmental statement and detailed schemes for working, landfilling, landscaping and restoration of the site, has been submitted to and new conditions have been determined by the Mineral Planning Authority.

Reason: The land identified as phase 3 has not been subject to an adequate environmental impact assessment process (BMWLP Policy 18).

4. All mineral extraction and landfilling shall cease on or before 31 December 2024.

Reason: To comply with paragraph 1 of Schedule 5 to the Town and Country Planning Act 1990.

5. All buildings, plant machinery, equipment, fencing, hardstandings and haul routes used in connection with the development shall be removed and the site fully restored by the final placement of topsoil on or before 31 December 2025.

Reason: To ensure that the land is restored to a condition capable of beneficial after use and in the interests of visual amenity and landscape impact (BMWLP Policy 25).

6. Each sub-phase shall be restored during the first appropriate season (April to October) following completion of landfill operations by the replacement of top and sub soils, and any planting proposed for that sub-phase shall be carried out in accordance with drawing number M06126(a).23 Rev B, Restoration Planting Detail, in the first available planting season (November to February) following completion of restoration of the sub-phase.

Reason: To ensure that the land is reclaimed in the interests of local amenity and landscape impact (BMWLP policies 16 and 20).

7. The management of existing perimeter trees and hedgerow as detailed in the Hedgerow Condition Survey and drawing number M06126(a).25 Rev B, Hedgerow Management shall be carried out in the first available planting season (November to February) following commencement of working in phase 2.

Reason: To ensure that the landscape structure of the site is retained and in the interests of visual amenity (BMWLP policy 20).

8. Any trees or shrubs planted or required to be retained that fail or are removed, for the duration of the development and for a period of five years following restoration of the land, shall be replaced during the next planting season (November to February) with others of similar size and species unless the Mineral Planning Authority agree to any variation in writing.

Reason: To ensure as far as possible maintenance of the site landscaping in the interests of landscape impact and visual amenity (BMWLP Policy 20).

9. No soil stripping shall take place in any sub-phase until further habitat surveys relating to great crested newts and breeding birds have been carried out, the results of the surveys have been submitted to the Mineral Planning Authority in writing, and any necessary mitigation measures for all protected species have been carried out in accordance with schemes that have first been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To protect ecological interest (BMWLP Policy 18).

10. In the event that reptiles are present, no soil stripping shall take place in any sub-phase unless a log of reptile translocations for that sub-phase has been submitted to the Mineral Planning Authority in writing.

Reason: To protect ecological interest (BMWLP Policy 18)

11. Any clearance works to existing trees or hedgerows shall not be carried out other than between 1 September and 28 February.

Reason: To avoid disturbance of breeding birds (BMWLP Policy 18).

12. Mature trees shall not be felled or existing dead wood moved other than in accordance with a scheme for retention of the wood on site as deadwood habitat that has first been submitted to and approved by the Mineral Planning Authority in writing.

Reason: In the interests of biodiversity by creating new invertebrate and reptile species habitats (BMWLP policy 18).

13. No working (including site preparation works) shall take place until the implementation of a programme of archaeological assessment and evaluation in accordance with a project design approved by the Mineral Planning Authority has been secured. Following the completion of each assessment and evaluation if important archaeological remains are found the development shall be amended to minimise damage to important archaeological deposits. Working (including site preparation works) shall not take place other than in accordance a method statement for archaeological mitigation and investigation measures that has been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To safeguard any archaeological interest (BMWLP Policy 19).

14. No operations shall be carried out: a. other than between the hours of 07.30-18.00 Monday to Friday and 07.30-12.30 on a Saturday; and b. not at all on Sundays or recognised Public Holidays save for the off-street parking of heavy goods vehicles between the hours of 07.00 and 07.30 Monday to Saturday, provided engines and headlights are switched off.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

15. Heavy goods vehicle movements to and from the site generated by the development shall not exceed 190 per day.

Reason: In the interests of highway safety and to protect the amenities of local residents (BMWLP Policy 17).

16. Copies of weighbridge tickets, and in the event that vehicles are not weighed, transfer notes shall on request be submitted to the Mineral Planning Authority.

Reason: To enable monitoring of lorry movements in the interests of highway safety and local amenity (BMWLP Policy 17).

17. Sole access to the site for mineral extraction and landfilling shall be via the existing site access onto Farnham Lane as shown on drawing number M06126(a).01 Rev B, Scheme of Working.

Reason: In the interests of highway safety and local amenity (BMWLP Policies 16 and 17).

18. The development shall not be carried out unless wheel cleaning equipment is installed as shown on drawing number M06126(a).15 \Rev B, Details of Site Office Area, and all heavy goods vehicles use the wheel cleaning equipment when leaving the site. No vehicle shall leave the site or cross Allerds Road unless its wheels are sufficiently clean to prevent mud, debris or any other substances being deposited on the public highway.

Reason: In the interests of highway safety (BMWLP policy 17).

19. No more than 100,000 tonnes of sand and gravel shall be extracted from the site in any calendar year.

Reason: In the interests of local amenity and highway safety (BMWLP Policies 16 and 17).

20. No storage of excavated materials for sale shall take place within the site without the prior agreement in writing of the Mineral Planning Authority of the position and height of any such storage heaps. The height of any such stockpiles shall not exceed 4 metres

Reason: In the interests of visual and landscape impact (BMWLP Policies 16 and 20).

21. No materials other than construction, demolition and excavation waste shall be deposited at the site.

Reason: In the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

22. Unless otherwise agreed in writing by the Mineral Planning Authority no mineral extraction shall take place in sub-phase 2/3a until sub-phase 2/1b has been restored and no mineral extraction shall take place in sub-phase 2/3b until sub-phase 2/2a has been restored.

Reason: To ensure an orderly and progressive working of the site in the interests of visual and landscape impact (BMWLP Policies 16 & 25).

23. No mineral extraction shall take place in any sub-phase unless perimeter screen mounding and fencing has been erected, in accordance with drawing numbers: M06126(a).01 Rev B, Scheme of Working, and M06126(a).22 Rev B, Typical Sections through Site Peripheral Bunds including New Post and Wire Fencing, and the bunds and fencing shall be maintained for the duration of the mineral extraction and landfilling in each sub-phase.

Reason: To ensure that trees and hedgerows are not harmed (BMWLP Policy 18).

24. All boundary screening shall be seeded with grass, cut, and kept free from a proliferation of weeds.

Reason: In the interests of visual amenity (BMWLP Policy 16).

25. No mineral extraction shall take place except within the area demarcated by a double dashed pink line as the extraction limit on drawing number M06126(a).01 Rev B, Scheme of Working.

Reason: To ensure a satisfactory form of development in the interests of local amenity (BMWLP Policy 16).

26. Noise levels from temporary operations, such as soil and overburden removal, installation of haul roads, formation of bunds and re-spreading of soil materials in restoration shall not exceed 70 dB LAeq 1 hr when measured freefield at any of the properties: Deepwood, Fox Cottage, Woodview, Crowpiece Lane, Bishops Mew, Bishops Court or Hunts Wood Farm or when measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the listed noise sensitive locations. Such temporary operations shall not exceed eight weeks in duration in any calendar year.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

27. Except for temporary operations as outlined in condition 26 noise levels from all other site operations shall not exceed 55 dB LAeq 1 hr when measured freefield at any of the properties: Deepwood, Fox Cottage, Woodview, Crowpiece Lane, Bishops Mew, Bishops Court or Hunts Wood Farm or when measured at, or recalculated as at, a height of 1.2 metres and at least 3.5 metres from the facade of the listed noise sensitive locations.

Reason: To protect the amenities of local residents (BMWLP Policy 16).

28. The development shall not be carried out other than in accordance with the following dust suppression measures:

- Water spraying of all internal haul roads during dry conditions
- On site vehicles to travel at speeds no higher than 10 miles per hour
- No soil removal or replacement during periods of high winds

Reason: To protect the amenities of local residents and in the interests of safeguarding the local environment, watercourses and the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policies 16 and 18).

29. All plant, machinery and vehicles used on the site for extraction, infilling and restoration operations shall be fitted with acoustic silencers.

Reason: To protect the amenities of local resident (BMWLP Policy 16).

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking, re-enacting or superseding that Order, no plant, building, machinery or structure shall be erected on the site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of visual and landscape impact (BMWLP Policies 16 and 20).

31. Prior to the commencement of mineral extraction within any sub-phase all topsoil, subsoil and any other overburden shall be stripped and either respread immediately or stored for subsequent restoration of the site.

Reason: To ensure the conservation of the soil resource and that the site is reclaimed to a condition capable of beneficial after use (BMWLP Policy 25).

32. All suitable site-arising topsoil, subsoil and other overburden shall be retained on the site for use in reclamation and restoration of the site.

Reason: To ensure the conservation of the soil resource and that the site is reclaimed to a condition capable of beneficial after use (BMWLP Policy 25).

33. The Mineral Planning Authority shall be notified in writing at least ten days in advance of the date when soil moving operations are expected to commence in any sub-phase. Soil movement shall be defined as including soil stripping operations, relocation of soil storage stacks and respraying of surface layers.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

34. No soil movement shall take place other than between 1 April and 31 October in any year, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

35. Soil movement shall take place with the minimum of compaction and only in dry soil conditions which ensure that it remains friable and no damage is caused to the soil structure. Details of the assessment tests for ascertaining that ground and soil conditions are suitable for soil handling shall be submitted to and approved in writing by the Mineral Planning Authority prior to any site preparation works and the approved details adhered to for the duration of the development.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

36. Details of the machinery to be used for soil handling and what soil handling methodologies will be adopted shall be submitted to and approved in writing by the Mineral Planning Authority prior to any site preparation works and the approved details adhered to for the duration of the development.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

37. No topsoil and subsoil shall be stored on site except in accordance with drawing number M06126(a).01 Rev B, Scheme of Working and drawing number M06126(a).22 Rev B, Typical Sections Through Site Peripheral Bunds including New Post and Wire Fencing.

Reason: To prevent damage to soil structure and to ensure proper restoration of the land (BMWLP Policy 25).

38. Prior to the commencement of the spreading of the final surface layers over the filled area the area shall be compacted and evenly graded and a survey point to Ordnance Datum levels installed to assist in verifying final levels. The contouring of the surface of the filled area shall follow the final contours.

Reason: To ensure that the site restoration complies with the approved levels in the interests of visual and landscape impact (BMWLP Policies 16, 20 and 25).

39. Soil shall be respread evenly in the correct order so as to ensure that there is, above the filled area, a depth of at least 1,200mm of topsoil, subsoil and other suitable free draining material. The topmost layer shall be topsoil spread to a minimum depth of 300mm or to the average depth of topsoil prior to stripping. If there is insufficient subsoil on the site to create the required depth of subsoil and other free draining material, this shall be made good either by the use of suitable material obtained from within or under the worked deposit or the importation of such suitable material.

Reason: To ensure proper restoration of the land to a condition capable of beneficial after use (BMWLP Policy 25).

40. The top 1000mm of replaced soils/free draining materials shall be free of large solid objects, paper or other waste materials and, as part of the procedures for restoration of the final surface layers on the site, each layer shall be thoroughly ripped or deeply cultivated in dry conditions to break up completely any compacted layer using equipment and to depths and centres to be agreed in writing by the Mineral Planning Authority prior to ripping. No ripping shall take place except between 1 April and 31 October in any year.

Reason: To ensure proper restoration of the land to a condition capable of beneficial after use (BMWLP Policy 25).

41. No watercourse shall be incorporated into the workings nor shall there be any direct connection between the workings and any watercourse.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

42. During all operations and processes, precautions shall be taken as necessary to prevent the discharge of any solid matter, sand, gravel, oil, grease or any other offensive or injurious substance into any watercourse.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

43. No dewatering of the working shall take place except as first agreed in writing with the Mineral Planning Authority.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

44. The discharge/recharge ditch provided across the northern and eastern edges of the phase 2 extraction area shall be maintained for the duration of the development until required to be removed as part of the restoration of the site.

Reason: To ensure groundwater levels are maintained in the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

45. Any oil storage tanks shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and drawpipes.

Reason: To prevent pollution of the local water environment (BMWLP Policies 16 & 18).

46. The monitoring of groundwater levels, maintenance of the borehole network and implementation of any necessary remedial measures shall continue for the duration of the development and for a period of five years following the replacement of soils on all of the land in accordance with the scheme approved by the Mineral Planning Authority on 15 August 2006. In the event that any of the monitoring results are outside defined envelopes, details of remedial measures to be undertaken shall be submitted for the approval of the Mineral Planning Authority within a week of the monitoring date. A report analysing all the monitoring results shall be submitted to the Mineral Planning Authority on a six-monthly basis.

Reason: To ensure groundwater levels are maintained in the interests of safeguarding the integrity of Burnham Beeches Special Area of Conservation (BMWLP Policy 18).

47. Aftercare of the land for agricultural use shall take place for a period of five years following restoration of each sub-phase in accordance with a scheme that has been submitted to and approved by the Mineral Planning Authority before mineral extraction

commences in phase 2. The scheme shall specify the steps proposed to be carried out during the aftercare period and make provision for an annual site meeting to discuss and agree steps necessary on the restored land.

Reason: To ensure that proper restoration of the land is sustained (BMWLP Policy 25).

48. The aftercare scheme required by condition 46 and the annual aftercare programmes for each sub-phase, written details of which shall be submitted for the approval of the Mineral Planning Authority within 4 weeks of the annual aftercare meetings, shall as appropriate include the following measures: a. Prior to the commencement of cultivation and soil sampling, the land shall be examined and defects (such as low spots, areas of compaction, obstacles to cultivation and areas lacking an adequate depth of topsoil) shall be remedied. b. Prior to the cultivation in year 1, samples of the soil shall be analysed to assess the lime and other fertilizer requirements to promote normal plant growth and the results of such analyses supplied to the Mineral Planning Authority. c. In year 1 the land shall be limed as necessary prior to seedbed cultivation and/or in the seedbed. d. In year 1, during the preparation of the seedbed, the land shall be fertilised in accordance with the requirements indicated by the soil analyses. e. In year 1, August to mid-September, the following steps shall be taken:- i. Prepare the seedbed – cultivation to suit soil conditions. ii. Apply seedbed fertilisers as determined by analysis. iii. Sow long-term grass ley of an agreed seed rate and mixture. f. The grass shall be cut for hay or silage and removed from the site. g. In the event of failure of seeds, cultivations shall be repeated, fertiliser added and the land reseeded in the year following initial seeding. h. In each year of the aftercare period subsequent to seeding, the following steps shall be taken:- i. Add nitrogen fertiliser between April and August, with rates of 120kg/acre application or as appropriate to usage. ii. Add phosphate and potassium fertiliser in mid-season as rates as appropriate to usage. iii. The grass shall be cut and removed as hay or silage in accordance with normal farming practice. iv. Weed growth shall be suppressed by the application of herbicide as appropriate. i Any compaction in the soil shall be remedied by subsoiling as necessary. j. Defects in soil drainage shall be remedied as necessary by installation of field drainage and/or perimeter ditching. k. No grazing shall take place unless otherwise agreed in writing by the Mineral Planning Authority. l. No crop other than a grass ley shall be grown unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To ensure that proper restoration of the land is sustained (BMWLP Policy 25).

49. Within two months of receiving a request, which shall be at no more frequent intervals than once a year, the site shall be surveyed and a plan of not less than 1:2,500 scale submitted to the Mineral Planning Authority to show the progress of soil stripping, soil storage, excavation, tipping and restoration.

Reason: To enable monitoring of the progressive working of the site in the interests of visual and landscape impact (BMWLP Policies 16, 20 and 25).

50. No later than two months from the date of this planning permission a proposal detailing the siting, design, and external appearance of an acoustic barrier to the southern side of the wheel spinner shall be submitted to the Mineral Planning Authority. The approved acoustic barrier shall be implemented and maintained for the duration of the development until required to be removed as part of the restoration of the site.

Reason: To limit the impact of noise on the amenities of Deepwood and Fox Cottage (BMWLP policy 16).

51. The surface of the site haul road between the weighbridge and wheel spinner and Farnham Lane and between the weighbridge and wheel spinner and Allerds Road shall be maintained free of potholes for the duration of the development hereby permitted..

Reason: To limit the impact of noise on the amenities of neighbouring properties (BMWLP policy 16).

52. Signage advising drivers to turn left on leaving the site shall be erected. The sign shall be maintained in a legible condition thereafter for the duration of the development hereby permitted.

Reason: To limit the impact of noise on the amenities of neighbouring properties (BMWLP policy 16).