



Appeal Decision

Inquiry held on 15-18 October 2024

Accompanied site visit made on 17 October 2024

by Melvyn Middleton BA(Econ), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/Y3940/W/24/3344456

Wheatley's Farm, Ashton Keynes, Swindon, Wiltshire, SN6 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Earthline Ltd against the decision of Wiltshire Council.
- The application Ref is PL/2023/03298.
- The development proposed is extraction and processing of sand and gravel, with associated site and access works, including processing plant, silt lagoons, weighbridge, wheel-wash, site offices, welfare facilities and staff parking, with progressive restoration, using imported inert materials, to return the site to agricultural use and including lowland meadow for biodiversity enhancement.

Abbreviations List

AKNP	Ashton Keynes Neighbourhood Plan
AKPC	Ashton Keynes Parish Council
AMSALP	Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan 2013
BNG	Biodiversity Net Gain
CMC	Case Management Conference
CP	Core Policy of the Wiltshire Core Strategy 2015
CS	Wiltshire Core Strategy 2015
DP	Development Plan
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
LVIA	Landscape and Visual Impact Assessment
MCS	Wiltshire and Swindon Minerals Core Strategy 2009
MDC	Wiltshire and Swindon Minerals Development Control Policies
MLP	Minerals Local Plan Review 2002-16 Development Plan Document 2009
MPA	Minerals Planning Authority
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PINS	Planning Inspectorate
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
SoCG	Statement of Common Ground
SuDS	Sustainable Drainage System

Decision

1. The appeal is allowed and planning permission is granted for extraction and processing of sand and gravel, with associated site and access works, including processing plant, silt lagoons, weighbridge, wheel-wash, site offices, welfare facilities and staff parking, with progressive restoration, using imported inert materials, to return the site to agricultural use and including lowland meadow for biodiversity enhancement, at Wheatleys Farm, Ashton Keynes, Swindon, Wiltshire, SN6 6NX, in accordance with the terms of the application, Ref PL/2023/03298, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural matters

2. The application, which was a resubmission, without fundamental change, of a previous application refused in 2022, was refused on 21 January 2024. The application was accompanied by a Planning/Design and Access Statement, a Statement of Community Involvement, a Landscape and Ecological Management and Maintenance Plan, a Soil Handling Strategy and a Report on Mineral Resources and Quarry Development, as well as a Shadow Habitats Regulation Assessment, a Biodiversity Net Gain Metric and an Environmental Statement (ES).
3. Whilst the application was being processed, the submitted ES was supplemented by a bat survey, and an otter survey. Additionally, revisions to the Hydrological and Hydrogeological Environmental Impact and Flood Risk assessment, the Landscape and Ecological Management and Maintenance Plan, the Soil Handling Strategy, the Screening Landforms, the Impact Assessment on Agricultural Land Quality and Soil Resources, and the Flood Risk Sequential Test were submitted during 2023, whilst the application was being considered and in response to observations made by the Council and statutory consultees. Wiltshire Council did not consult on this additional information but instead proceeded to refuse the application.
4. The appeal was made on 16 May 2024. Shortly afterwards, I was made aware of the above facts and also that the Appellant would be relying on information contained in the additional documents to support its case at the Inquiry. I therefore arranged for a consultation to be carried out on all of the additional material that the Council had received. This took place in July 2024. Although the formal consultation period was limited to fourteen days, the information remained in the public domain and was available for anyone to digest and make representations to me, about its content, during the following three months. In these circumstances I do not consider that anyone's interests have been materially prejudiced by the Council's actions.
5. The ES adequacy test, carried out against the requirements of the Town and Country Planning (Environmental Impact Assessment (EIA)) regulations 2017, by the Planning Inspectorate (PINS) and on behalf of the Secretary of State, considered the ES to be satisfactory. The Council accepts that the requirements of the Habitats Regulations (Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) have been complied with. I have seen no evidence that leads me to disagree with these findings.
6. In response to the consultation, the Environment Agency (EA), English Nature, and the Council's Conservation Officer, Landscape Architect, Environmental Health Officer and Archaeologist withdrew their objections. These concerned

reasons for refusal 1-5 and 6 in as much as it referred to dust but subject to the attachment of appropriate conditions to any approval. Following that, in late July the Council narrowed the issues in dispute to noise, visual amenity, ecology and the restoration scheme.

7. I held a Case Management Conference (CMC) on 31 July 2024 at which the format of the Inquiry and the timetable for evidence receipt was discussed at length. I published a Summary Note on 2 August which set out the agreed issues for discussion at the Inquiry (amenity, ecology, need, noise and restoration), a timetable for the submission of evidence and other relevant material, along with the proposed format of the Inquiry. It was agreed that matters concerning the issues of noise, protected species and restoration would be heard through the cross examination of witnesses on a topic basis, those concerning need and visual amenity were to be tested in topic specific round table sessions.
8. On 5 September and in accordance with the agreed timetable, the Appellant and Council submitted a Statement of Common Ground (SoCG). At Item 7 the document says that "there are no matters of disagreement between the Council and the Appellant and all reasons for refusal, as set out in the decision letter, have been withdrawn by the Council". The Council subsequently withdrew the evidence that it had already submitted to the Inquiry and apart from assisting me by answering factual questions and discussing conditions, its witnesses did not participate in its proceedings.
9. In view of the changed circumstances, I published a Supplementary Note on 9 September 2024, in which I asked the Council to prepare a statement to explain its revised position. I also asked it to contact third parties, who had made representations to the appeal, to ascertain who wished to attend and participate in the Inquiry. I also indicated that in the revised circumstances, I was of the opinion that the process would now most efficiently be carried out by round table discussions on all of the matters that were still contentious. There was initially very little response to the Council's communication.
10. There were however numerous letters of opposition to this proposal at the time of the application and when the appeal was advertised (17 June 2024), including some from Ashton Keynes Parish Council (AKPC) and its members. On 1 October 2024, AKPC wrote to PINS, alleging process failings on the part of Wiltshire Council and requesting that the Inquiry be adjourned and that it be granted Rule 6 Status¹. It alleged that Wiltshire Council had not informed it of its right to apply to become a Rule 6 party and that it had not been afforded the opportunity, within adequate time, to participate effectively in the Inquiry.
11. An offer of a Supplementary CMC to discuss the above, in the context of the format of the impending Inquiry, was initially rejected. Eventually AKPC accepted the need for one and it was held on 10 October 2024. The request for Rule 6 Status and an adjournment was declined because the circumstances were not considered to be exceptional. Paragraph 11.16 of the PINS Procedural Guidance states that "unless there are exceptional reasons, we will refuse requests to postpone an appeal or put it in adjournment".

¹ Rule 6, The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (Statutory Instrument 2000/1625)

12. In its notification letter, of 17 June 2024, Wiltshire Council specifically referred to the PINS Procedural Guide and provided a link². The guidance clearly explains what is required of groups wishing to take a leading role in an Inquiry's proceedings at paragraph 9.4. The accompanying guide points out that Rule 6 parties are expected to send a statement of case within 4 weeks of being required to and also that they have the option of participating in the production of a joint SoCG. The Rules require this to be produced by week 5. In this appeal that was by 5 September 2024.
13. There was clearly no ability for AKPC to meet these deadlines without an adjournment. Members of AKPC made representations against the proposal on 17 July 2024. Three of the issues raised concerned matters that were not a part of Wiltshire's reasons for refusal. As noted above, Wiltshire Council withdrew its opposition to 5.5 of the 7 reasons that it used to refuse the application on 30 July 2024.
14. It is not the responsibility of Wiltshire Council to notify parish councils of their ability to apply for Rule 6 Status in the context of forthcoming Public Inquiries within their area. However, AKPC were notified by Wiltshire Council of the appeal on 17 June 2024. In the responses it is clear that it was already objecting to the proposal on grounds that were not contested by Wiltshire Council at that time. At the very least it should have begun preparing its case on those matters long before 1 October and at the same time it could have applied for and been given Rule 6 status. The circumstances were therefore not considered to be exceptional and AKPC's requests were declined.
15. The format for the Inquiry was discussed again at the Supplementary CMC and the issues were revised, at the request of AKPC. Dust, flooding and heritage reinstated, and highways added as additions to those agreed at the previous CMC. AKPC participated fully in the Inquiry, providing witnesses and statements for each of the round table sessions. In this context, I do not consider its ability to prepare and present evidence to the Inquiry to have been compromised by the decision not to award it Rule 6 status at a late date.
16. In addition, a number of third parties were present at the opening and asked if they could present evidence. With the Appellant's agreement I allowed them to do so but with a request that they provide a written statement that could be seen by the Appellant beforehand. Some presented their statements following the opening, if they were ready, others at various other times during the course of the Inquiry, up until the end of the topic discussions on the third day.
17. Subsequently, although persons wishing to present statements were not allowed to speak, they were allowed to hand in written statements, the Appellant being given a right of written reply, which in some instances it used. Third parties who wanted to present evidence, on the subject matter of one of the issues being discussed at a round table session, were invited to participate in the discussion. Many of them did that.
18. My assessment of the case is therefore based on all of these representations, including those submitted by third parties who did not attend the Inquiry, the Appellant's evidence, other reports and publications before the Inquiry and my observations at my site visits.

² <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>

19. I undertook an unaccompanied site visit before the Inquiry, in the afternoon of 14 October and an accompanied one at a similar time on 17 October. Among other things and following the representations made by Mrs Bachelor, at the Highway Round Table Session, I subsequently reassessed the highway evidence, concerning matters along High Road adjacent to the appeal site. I also considered the Appellant's proposed mitigation to enable its use by quarry vehicles travelling between the eastern and western parts of the quarry and vice versa and without impacting upon highway safety on that road.
20. Following this, I had concerns about the effectiveness of the two proposed passing places and the measures proposed to minimise mud being deposited on the road. I raised it at the Inquiry the following morning and was referred to parts of the Appellant's highway evidence. A brief glance at these did not fully satisfy me.
21. As there were outstanding matters concerning conditions to resolve between the parties, I adjourned the Inquiry in the afternoon of 18 October and revisited High Road, unaccompanied, before dark. My visit and an in-depth assessment of the Appellant's proposals, to mitigate any possible harm from its proposed use of High Road, led me to conclude that the proposals before the Inquiry may not satisfactorily resolve the problems.
22. The Appellant's highway proposals had been accepted by the Highway Authority, following the submission of the original application and were not subsequently contested by the Council. The National Planning Policy Framework (NPPF) says at Paragraph 116 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety and at paragraph 56 that decision takers should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
23. I therefore considered the fairest approach was to go back to the parties about the matter. I wrote a questioning letter, about the circumstances, to the Highway Authority and also sought responses to it and the Authority's reply from the Appellant and AKPC. This and subsequent correspondence eventually resulted in amended conditions that should, if effectively implemented and enforced, ensure the provision of a safe highway environment on High Road if it is being used by quarry traffic. I return to this later (paragraphs 116-122).
24. In December 2024 the Government published revisions to the NPPF. I wrote to the Appellant and AKPC to ask if they considered the changes had a bearing on the appeal. Only the Appellant responded.
25. Following the receipt of correspondence from Roz Savage MP about the EA's update to its National Assessment of Flood Risk³ I wrote to the Agency, asking if it wished to reconsider its position and in particular the conditions that it had proposed to mitigate any harm from potential flooding. In response it said that it did not wish to change its response to the Appeal, including the wording of condition 4. I return to this later (paragraphs 45-50). Following a final consultation on the revised conditions, I closed the Inquiry on 12 May 2025.

³ NaFRA2, Environment Agency, 17 December 2024

Preliminary matters

26. The site is located to the south of the village of Ashton Keynes, within the flood plains of the river Thames and Swill Brook. The site is bisected by High Road, an access into the village from the south, with a larger area to be quarried to its east, which is bisected by the river Thames and a much smaller area to its west, which abuts Swill Brook on its eastern side and High Road to the south. The western edge of the site abuts the B4696, which functions as a western bypass for Ashton Keynes. The primary access would be taken from this road and the processing plant, car park, and other temporary buildings and structures would be located close to this. Immediately to the west of the eastern quarry site, on land that has been artificially elevated, is the recently constructed new housing at Heavens Rise and Maisey Mews.
27. The proposal would extract 470,000 tonnes of sand and gravel, along with up to 1million tonnes of soils, in five phases, from a quarry extraction area covering 19.9 hectares and an overall site area of 27.2 hectares. The operations would be expected to extract about 80,000 tonnes of sand and gravel per annum over a six-year period and from a mineral depth of up to 4 metres. The voids would be backfilled with inert waste (soil and excavation material), generally to lower than pre-extraction contours, and at an annual rate of about 4,300 tonnes over eight years. The entire operation would last up to nine years, by which time the entire site would have been returned to agricultural and lowland meadow use, with some establishment of a ridge and furrow landform. Additionally, new areas would be set aside for wildlife, including opportunities to encourage the further establishment of protected species in the area.

Main Issue(s)

28. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require applications for planning permission to be determined in accordance with the Development Plan (DP) unless material considerations indicate otherwise. From all that I have read, seen and heard I consider the main issues to be:

Whether the proposal is in accordance with the DP when considered as a whole but in particular Policy MCS 1, of the Wiltshire and Swindon Minerals Core Strategy, 2009 (MCS) and Policy MDC1 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document, 2009 (MDC).

and if so

Whether there are any material considerations that when taken together and weighed against any advantages of the proposal, are sufficient to outweigh the presumption in favour of determining planning applications in accordance with the Development Plan.

Reasons

29. Paragraph 224 of the NPPF says that when determining planning applications, decision makers should give great weight to the benefits of mineral extraction, including to the economy.

30. At paragraph 11 the NPPF also reminds its readers that there is a presumption in favour of sustainable development and that in that context decision makers should approve development proposals that accord with an up-to-date DP.

Planning Policy

31. The DP for the area now consists of the MCS, the MDC, the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan 2013 (AMSALP), the Wiltshire Core Strategy 2015 (CS) and the Ashton Keynes Neighbourhood Plan 2015-26 (AKNP), made in 2016. The Council referred me to a raft of policies in these documents. Following its withdrawal, the subsequent participation of AKPC and the change in issues, in addition to Policy MCS 1 Strategic Approach for Meeting Need and Supply and MDC1 Key criteria for sustainable minerals development, I consider MCS 7 Flooding, MCS 8 Amenity, MCS 10 Restoration, CS Policy (CP) 50 Biodiversity, CP 51 Landscape, CP 58 Historic Environment, CP 62 Transport and MDC3 Water Environment to be the most relevant.
32. At paragraph 232 the NPPF says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Although now dated, the MCS and MDC plans, as well as the CS, were subject to rigorous examinations and there has been no fundamental change in national minerals policy since their adoption, in the context of the appeal proposals. With some exceptions that I discuss below, I have no reason therefore to doubt that overall, these plans are consistent with the requirements of the NPPF.
33. The AMSALP was meant to allocate sites that would deliver 18 million tonnes of sand and gravel (1.2 million tonnes per annum) over the plan period to 2026. However, as the Wiltshire and Swindon Local Aggregate Assessment 2022 demonstrates, in recent years average sales from Wiltshire have been less than half of the requirement. For unspecified reasons, a number of the allocated sites do not appear to have come forward for development. The plan also has little more than a year to run until it becomes time expired and could be considered to have failed in its intentions for sand and gravel extraction in this context. Despite this, it does not appear to be being reviewed and replaced. In such circumstances I can give little weight to its site-specific proposals.
34. In recognising that mineral resources can only be worked where they exist, Policy MCS 1 (A) requires proposals for sand and gravel extraction to be located in identified Mineral Resource Zones. The appeal site is located within the Cotswold Water Park / Upper Thames Valley zone and therefore accords with the policy in this regard. The policy also points out that the Council will endeavour to maintain landbanks for aggregate minerals in accordance with national policy. Paragraph 226 f) of the NPPF requires the maintenance of a landbank of at least seven years for sand and gravel. The latest Local Aggregate Assessment (December 2023) reported that at the end of 2022 the permitted reserves of sand and gravel within Wiltshire were only 1,426,000 tonnes, which is sufficient for 2.72 years.
35. As the Appellant points out, changes to the NPPF in 2024 strengthen the national drive to meet housing and other development needs. This is likely to require an increase in the rates of sand and gravel extraction if the increased requirements of the development industry are to be met. The Appellant also refers to the significant increase in housing need identified in Wiltshire, as a result of the introduction of the revised standard methodology for calculating

housing need. Additionally, there will be increased demand for minerals through the development of the New Eastern Villages at Swindon, along with other expansion to that town and at Cirencester. In this context, the likelihood that the supply will most likely have reduced further since 2022, whilst at a time when there has been an increase in the demand for sand and gravel in the Wiltshire and Swindon area, gives added weight to the urgency for new resources to be brought forward in Wiltshire. In my view the need to quarry this mineral now should be given substantial weight.

36. AKPC expressed concerns about the quality of the material that would be excavated, pointing out that the need was for good quality minerals. However, there is no hard evidence to support this contention from either the demand or the supply perspective. The contention about “poor quality mineral” appears to be based upon an appraisal of potential mineral sites undertaken in 2011 for the AMSALP. The author reached that conclusion “through discussions with the mineral industry”. No ground investigations appear to have been undertaken to assist the assessment. A subsequent assessment⁴, based upon the information from trial pits (2011) and six boreholes (2016), concluded that the mineral was “suitable for a range of concrete and civil engineering applications”. In the circumstances this is likely to be the more reliable.
37. However, in any event, given the level of supply now available from Wiltshire, to meet the requirements of its growing market, there would probably be a market for the poor-quality material alleged to be under the site in 2011, if that was the case. I also note that gravel was extracted from the field immediately to the north of Area B, less than 10 years ago. Although rejected for concrete block manufacture, because of quality considerations and the mineral vein only being between 1 and 2 metres thick, that excavation was nevertheless clearly commercially viable.
38. The reduction in tonnage from the site is a product of a reduction in the extent of the areas to be worked and is not related to the quality of the mineral. The extent of the areas to be worked, within this site, have been reduced, by nearly one third, because the proposed stand offs from dwellings and watercourses have increased to 50 metres and 20 metres respectively, from the 5 metres that was proposed at the time of the original planning application. The apparently long time period, estimated to extract this mineral, stems from the assumption that there would be unknown periods, each year, when work would have to stop because of flooding issues. A conservative contingency of 3 years has therefore been included in the estimated working life of the quarry.
39. Reference was also made to the unworked sites that were allocated in the AMSALP and particularly to Blackburr Farm, which is also being promoted by the Appellant. There has been a pending planning application for this site with the Council since 2022. However, even if Blackburr Farm was given planning permission tomorrow, Wiltshire would still only have a five-year supply and require further permissions to achieve a land bank above seven years, as the NPPF requires.
40. Whilst a number of other sites may have been allocated in 2013, for whatever reason, they have not been brought forward. The Inspector considering the AMSALP did not say that these sites were in some way better than the other sites identified at the time, such as the appeal site, only that he “would not judge any

⁴ Wheatley’s Farm Report on Mineral Resources and Quarry Development, 2023

of the sites (not proposed for allocation) to be better than those already allocated". He also said that he had "not read or heard any evidence that would demonstrate that any one of these (other) sites is unacceptable in principle". Whilst he did say that "the requirements of the Plan Area would be met by the Council's proposals", with the benefit of hindsight this is clearly not correct. Additionally, in a delivery context, the passage of time has cast doubt upon the validity of the Council's observations, when adopting the AMSALP in 2013 that "the (allocated) seven sites are considered to represent the best and most deliverable options for future mineral extraction". I therefore consider the proposal to accord with the requirements of MCS 1 (A). To comply with Policy MCS 1 as a whole, the proposal needs to meet the generic criteria listed in MCS 1 (B), as further amplified in the other DP documents and in particular Policy MDC1.

Flooding

41. At the time of the Inquiry almost all of the appeal site, along with much adjacent land, was covered in flood water. There was also evidence of recent flooding within the village itself, with a number of gardens containing standing water. Whilst much of the flooding was of a fluvial nature, from the Thames and its tributaries, there was also evidence of flooding that had been caused by rises in groundwater levels. There is clearly a complex inter-relationship between the water courses and groundwater in this area during flood events. With climate change predicting more severe and more frequent flood events, it is not surprising that there was considerable concern and anxiety among local residents about the impact this proposal could have on flooding.
42. At paragraph 173, the NPPF requires a sequential risk-based approach to be taken when assessing applications for development in areas that are at risk from flooding. The aim of this being the steering of new development to areas with the lowest risk of flooding from any source. However, mineral deposits can only be worked where they are found and sand and gravel have largely been deposited on river flood plains, which by definition are prone to flooding. Annex 3 to the NPPF recognises this by defining sand and gravel working as water-compatible development.
43. The majority of the appeal site is within flood zone 3. However, the alternative sites in this area that I was referred to, also tend to be within flood zone 3. If Wiltshire is to supply its apportionment of regional sand and gravel need, then there will have to be excavation at sites in flood zone 3. Part of this site is within flood zone 2 and being the safest part of the site, from a flooding perspective, this is where the processing plant and other temporary structures are to be located.
44. The National Planning Policy Guidance (NPPG) on flood risk⁵ says in table 2 that the exception test is not required for water compatible development. The importation of inert fill material is a part of the restoration process. This, in my view, is ancillary to the main purpose of this proposal, i.e. extracting sand and gravel. It too is therefore water compatible development and exempt from the exception test. Nevertheless, if this is not the case, I consider that by enabling the land to be properly restored, following the extraction of a much-needed supply of minerals in this locality, as well as creating a depositary for

⁵ National Planning Practice Guidance, Flood risk and coastal change, Department for Levelling Up, Housing and Communities, 2022

appropriate construction waste that is excavated in this area, the development would provide wider sustainability benefits to the community that outweigh the flood risk. In my view, whilst being safe for its lifetime and not increasing flood risk elsewhere, the proposal would reduce flood risk overall in this area (see paragraphs 45-50 below).

45. There is no dispute that this site would continue to flood during the lifetime of the proposed works and beyond. The issue is whether or not flood risk would be increased elsewhere both during and after the development.
46. The material is to be excavated in phases, working around the site and beginning in the eastern area. Each phase would be surrounded by a clay lining, which would prevent water from elsewhere entering the excavation area. In times of flooding, pluvial water, falling on the part of the site being worked, would be retained on site in the excavations, to be pumped out into the watercourses that cross the site, when the floods have subsided.
47. Ground and fluvial water from elsewhere will be kept out by the linings, the former transported to the water courses in ditches adjacent to the bunds that would be adjacent to some of the workings. In times of flood, water would back up the ditches from the watercourses and interface with the ground water. However, an emergency safety system would be incorporated into the bunds to allow flow conveyance into the appeal site during such flooding episodes. This would prevent additional flooding, as a result of the proposal, upstream. Additionally, as the topsoil is to be stripped from area 5 initially and used to create screening bunds and the area occupied by the bunds is appreciably smaller than the area covered by the topsoil, there will be increased capacity within the site and outside of the working area to take flood water from elsewhere and reduce the risk of flooding downstream.
48. The site is to be restored to levels below existing ground levels, wherever possible, providing additional flood storage capacity for the benefit of the wider area. Because of the small increases in height levels across parts of this site and the need to tie into existing ground levels at the water courses, this will not be a significant change; but nevertheless, there will be an increase in potential flood storage capacity overall and the proposal would not increase the risk of flooding elsewhere, as required by NPPF paragraph 181. Additionally, much of the site is to be restored to improved pasture, ridge and furrow grassland and lowland water meadow, which will assist in reducing run-off rates. Whilst the clay linings and surrounding ditches will remain after the site is restored, the bunds will be removed and flood flow conveyance into the site from upstream areas will be facilitated on a permanent basis. The details of the above proposed measures would be the subject of conditions and an Environmental Permit.
49. As required by NPPF paragraph 177, the scheme involves the implementation of a sustainable drainage system (SuDS) as a part of the restoration process. Outflow pipes, with diameters designed to restrict discharge to the water courses, to less than predevelopment greenfield runoff rates, would be installed. Consequently, and as required by AKNP Policy INP1, there would be no additional risk to flooding post development but increased flood storage capacity and slower runoff rates as a result of the lower restoration levels and the SuDS system.

50. The Flood Risk Assessment that now accompanies this proposal demonstrates that appropriate controls could be made available to protect and enhance the water environment. Overall, following the implementation of the proposal, it would reduce the volume / levels of groundwater, water courses and other surface water. The proposal is in accordance with this aspect of Policy MDC3 and meets the requirements of NPPF paragraphs 170-175, 181 and 182.
51. There was local concern about the potential to pollute the groundwater, which is an aquifer and used to supply drinking water. However, the village's drinking water is abstracted from the Great Oolite aquifer which is overlaid by Oxford clay. The latter has low permeability and isolates the Great Oolite water from that in the river terraces where the excavation is to take place. Additionally, the quarry workings would be lined with clay to isolate the dewatering operations and to prevent any disturbance to the river terrace ground water outside of the site. Consequently, yields of water from the 3 private abstraction boreholes, sourcing groundwater locally from the river terraces, would not be affected. The clay lining will remain after the quarry is restored so there would be no ability for inadvertently polluted imported material to come into contact with surrounding ground water in the river terraces. However, in any event the importation of fill would be closely regulated through an Environmental Permit by the EA. The monitoring of the operation through this process should prevent unsuitable material being used in the restoration process. Consequently, the protection and maintenance of the quality of groundwater, water courses and other surface water that is required by Policy MDC3 would be assured.
52. Some representors and another person were sceptical about the ability of the Environment Agency to manage pollution and flood prevention at the site and similarly, with regard to Wiltshire Council, in discharging and securing the proper implementation of planning conditions. Nevertheless, the NPPF at paragraph 201 is quite clear on this matter. The focus of planning decisions should be on whether proposed development is an acceptable use of land rather than the control of processes or emissions which are the subject of separate control regimes. Planning decisions should assume that these regimes will operate effectively. If that were not the case, then some aspects of the Town Planning regime would not be able to function.
53. I consider the sequential test, and the other considerations as set out in NPPF paragraphs 170-82 to have been met. The proposal mitigates any potential likelihood of an increase in flooding, as a result of the development, as well as providing some additional flood storage capacity to increase protection for vulnerable users, where appropriate and taking into account the impacts of climate change. It is in accordance with the requirements of policy MCS 7 and AKNP Policy INP1. It also protects and enhances the water environment, including the quality of ground water and meets the other requirements of Policy MDC3. Nevertheless, the increase in flood storage capacity will not be significant and there may be some minimal risks from a flooding perspective. There could also be some harm to human health as a result of anxiety. In this context I conclude that only minimal weight should be accorded to the benefits to flooding in the planning balance.

Noise

54. The NPPF at paragraph 224 C) requires decision makers to ensure that unavoidable noise from mineral extraction is controlled and mitigated. It also requires them to establish appropriate noise limits for extraction operations in proximity to noise sensitive properties. In requiring applications to demonstrate that proposals avoid or adequately mitigate significant adverse impacts associated with noise levels, Policy MDC2 is consistent with the NPPF.
55. Further guidance on implementation is given in the NPPG on minerals⁶. At paragraph 21 it advises that the background noise levels (LA90,1h) at sensitive properties should not be exceeded by more than 10dB(A) during normal working hours (07.00-18.00). Additionally, the total operational noise should ideally not exceed 55dB(A)LAeq,1h (free field) anywhere.
56. Nevertheless, at paragraph 21 the minerals NPPG recognises that some temporary operations, such as earth moving to establish screening bunds or in restoration work, could result in higher noise levels. It therefore sets an upper daytime noise limit of 70dB(A)LAeq 1h (free field) for periods that add up to no more than eight weeks in any one year.
57. The Appellant undertook noise readings at sensitive properties around the area that it considered to be representative of the localities⁷. Third parties questioned the extent to which the readings were representative. In particular the relevance of readings taken at Wheatley's Farmhouse for the establishment of the noise environment at the recently constructed nearby properties was raised. Heavens Rise and Maisey Mews have been constructed at a higher elevation than the farmhouse. Nevertheless, further assessments of base line noise data in this area, were carried out by the Council in 2024. They confirmed that the Wheatley's Farmhouse data was a relevant basis for determining the appropriate noise limit at the other nearby properties and that overall, the Appellant's data is representative.
58. On the basis of these readings, the Appellant established a set of suggested noise limits for routine operations that could be enforced through conditions. Apart from at Glebe Farm, all were about 5dB below the maximum level recommended in the NPPG. Glebe Farm would be only 1dB below. In July 2024 the Appellant and Council agreed conditions that set operational and temporary noise limits at noise sensitive properties in the area. They also agreed conditions to regulate the hours of operation, the use of reversing alarms and overnight dewatering and to provide for a scheme of noise monitoring. On the basis of this, the Council withdrew its opposition to the proposal on the grounds of noise.
59. Nevertheless, a number of third parties maintained their objection to the proposal because of noise. Mr Brailey and Mr Selling participated in a round table discussion on noise, along with the Appellant's noise consultant, Dr Storey. Mr Brailey, who is also a noise expert, met subsequently with the latter to continue the discussion. The outcome was the preparation of a Statement of Noise Common Ground⁸. It sets out the factual background and the points

⁶ National Planning Practice Guidance on the planning for mineral extraction in plan making and the application process, Department for Levelling Up, Housing and Communities, 2014

⁷ They are set out in the Environmental Statement at Appendix 7 (CD1.29).

⁸ Noise SoCG of 17/10/2024 between Appellant and Peter Brailey (See Documents Submitted to the Inquiry by the Appellant)

raised in the discussion. It concludes with them agreeing that the noise matters could be resolved through conditions if there were minor amendments to those concerning overnight dewatering and the noise monitoring scheme. Minor amendments to meet these requirements were subsequently put before the Inquiry. In my view the adverse noise impacts of the development (noise pollution) could be mitigated to an acceptable minimum through the implementation of the conditions, such that noise would not give rise to significant adverse impacts on health and the quality of life, as advised by the NPPF at paragraph 198. In this respect the proposal meets the requirements of Policies MCS 8 and MDC1.

60. The location of the processing plant and its impact on noise was raised, along with suggestions that processing could take place at a nearby processing plant at Dairy Farm quarry. The option to process the material elsewhere was not a part of the planning application and is not technically before me. However, it seems to me that that processing plant is marginally closer to residential properties than the appeal one would be. Consequently, from a noise perspective there would probably be no benefit. Additionally, the maximum permissible noise limits at sensitive receptors would be the same choose where the processing plant was located. The processing plant is to be located at a distance that is more than 250 metres from receptors. It appears to be proposed in its current location, rather than at a location further away from the village, because it has been located upon the part of the site that is least likely to be affected by flooding. It is also adjacent to the B4696, which from a highway safety and traffic flow perspective, would be the most appropriate option for traffic visiting the quarry to use. Nevertheless, a processing plant operating at this location would have to comply with the noise limits agreed at the Inquiry and set out in conditions.
61. Although I have agreed that noise is capable of being managed through the implementation of appropriate conditions and that the anticipated levels do not justify dismissing the appeal, I also recognise that there would inevitably be increases in noise levels and associated disturbance that would cause some minor harm to the living conditions of some residents. I consider that this weighs against the proposal in the planning balance to a minor extent. I nevertheless consider that the proposal avoids or adequately mitigates significant adverse impacts associated with noise levels. It is therefore in accordance with Policy MDC2.

Dust

62. Policy MDC2 requires proposals to avoid or adequately mitigate significant adverse impacts associated with air emissions and dust levels. The critical occasions when this could be a problem are likely to be associated with the movement of soil and sub-soil around the site, rather than the extraction and movement of the mineral. The movement of soil and sub-soil would not be a continuous process, and it could be halted in periods when mitigation is not sufficient to overcome weather conditions.
63. The Council recognised that dust could be satisfactorily managed through a Dust Management Plan and has recommended that one be included as a condition if planning permission is granted. Such outcomes are not untypical when planning permission is granted for sand and gravel extraction. I have seen no evidence to suggest that this is not a practical and satisfactory

outcome in this case. The proposal could adequately mitigate significant adverse impacts associated with dust levels, as required by Policy MDC2.

64. AKPC raised the question of particulate matter and suggested that the Appellant's consultants had omitted categories of pollutants on an ad hoc basis. Nitrogen Dioxide was initially omitted because the site is not near to a declared Air Quality Management Area and the Council had suggested that an average daily movement of HGVs above 100 would be an indicative trigger level. Whether this was meant to include all HGV's using the site and not just those accessing via the B4696 is not clear. Whilst the average daily movement of vehicles is not certain, the numbers just using the B4696 daily are unlikely to be anywhere near as high as 100 and those that would be generated by the operation as a whole are unlikely to be as high as 100⁹. Notwithstanding this, the Appellant subsequently agreed to install particulate monitoring equipment to establish the levels of particulates (PM10) on the site. The requirements for this are contained in the Dust Management Plan set out in recommended condition 4(10).
65. Condition 4 includes a requirement for control measures to be implemented to mitigate emissions from dust generating activities, as well as details of particulate monitoring. Consequently, there would be scope for the Minerals Planning Authority to request a Nitrogen Dioxide monitoring and mitigation scheme, if on reflection it considers one to be appropriate.
66. Notwithstanding the likely mitigation, the Appellant accepted that during the soil handling operations there could be an adverse effect from dust pollution. I agree that there would be harm but with the effective implementation of a Dust Management Plan, I consider that less than significant harm from dust pollution would result and that the proposal complies with Policy MDC2. I give minor weight to the harm from dust that would result from the development.

Restoration

67. AKPC expressed concerns about the site no longer being restored to lakes and wetland, as had been the case in the previous application. Its concerns also centred around the nature of the proposed fill material, its safety and the overall impact on groundwater and flooding.
68. The change has come about largely because of insurmountable objections to the proposals contained in the previous application, particularly from the Ministry of Defence. It is concerned about the impact of concentrations of wild birds in this area on air safety. It is close to airfields, and significant numbers of wild birds are already attracted by the existing network of lakes occupying former gravel pits. Policy MDC10 defines airfield safeguarding areas and requires proposals for mineral development in such areas to demonstrate that the proposed extraction and after-use would not cause an unacceptable risk of bird strike.
69. The Council's ecologist was also concerned about the proximity of the proposed lakes to residential development and the disturbance that would bring to wildlife trying to establish in the restored area. In this context she recommended that the site be restored to wet lowland meadow with some agriculture.

⁹ See paragraphs 114 and 116.

70. As a prelude to restoration, the voids would now be filled with inert waste, predominantly from the Swindon area. Policy WCS3 of the Wiltshire and Swindon Waste Core Strategy lists minerals sites as a preferred location for inert waste disposal facilities within the County. The principal of this aspect of the proposal is therefore policy compliant. I note that the Waste Core Strategy will be time expired in 2026 and that I have not been referred to a replacement.
71. The nature and monitoring of waste material, being deposited in former quarries that become landfill sites, is the responsibility of the EA through the Environmental Permitting regime. As such the Appellant does not need to justify the detailed acceptability of the proposed landfill, in the context of the site's location on a flood plain and an aquifer, to this Inquiry.
72. The evidence that has been submitted concerning the availability of suitable fill material in the Wiltshire and Swindon area, particularly in the context of the proposed extended life of the operations, due to anticipated future flooding, and the very likely increase in the need for sites to deposit construction site waste, as a result in the expected increases in construction rates within the area, gives me confidence that the Appellant would be able to undertake the restoration schemes for each phase as soon as ground conditions allow and following completion of sand and gravel extraction in that phase, as well as to the satisfaction of the EA. In the above context I consider that the availability of additional inert waste disposal capacity, that is policy compliant, should be given minor weight.
73. The proposed restoration scheme now provides for a 10-metre¹⁰ uncultivated buffer along the banks of all of the water courses that cross the site. This is to be planted and maintained in a way that would encourage an increase in the presence of wildlife at the site and a growth in biodiversity. About 17 hectares are to be restored as high-quality arable land using the higher-grade soils found on the site. A traditional ridge and furrow flood plain hay meadow is to be provided along the river Thames corridor to maximise capacity for winter flooding. The provision of lowland grassland is in accordance with the adjacent Cotswold Water Park Biodiversity Action Plan. These restoration proposals are supported by a Landscape and Ecological Management Plan and a Soil Handling Strategy.
74. Whilst the practicality of the ridge and furrow meadow has been criticised, the Appellant submitted guidance produced by the Royal Society for the Protection of Birds (RSPB) for the Minerals Industry¹¹ that recommends such a landform for the creation of wet grassland in preference to flat field topography, the RSPB pointing out that flat field topography should be avoided. The subsequent successful implementation of ridge and furrow fields at the RSPB site at St Aidan's in West Yorkshire before 2010 and at the former Witcham Meadlands sand and gravel quarry in Cambridgeshire between 2008 and 2012 were also referred to. The Appellant also supplied copies of an aerial photograph¹² that clearly shows the existence today of ridge and furrow fields to the south of the appeal site. In addition, it also referred to a successful water meadow restoration project at Sherborne in Oxfordshire¹³. Mr Bailey also assessed the

¹⁰ The application proposed 5 metres

¹¹ Habitat Creation Handbook for the Minerals Industry, RSPB Management Guides, 2003

¹² Appendix 1, Core Document 7.2, Planning Proof of Evidence of Peter Wilsdon

¹³ The Wet Grassland Guide, RSPB Management Guides, 1997

slope stability of the proposed ridge and furrow structures on behalf of the Appellant and concluded that there was no instability risk, as had been alleged¹⁴.

75. In the above context there is no reason to doubt that the proposed restoration for this site, if implemented in accordance with the referred to guidance, would not be a success. It is designed to prevent increased risks associated with flooding, avoids potential bird strike and includes long term environmental enhancements as required by Policy MCS 10. The proposal would achieve improved public access through improvements to bridleway AKEY28, which is supported by AKLP Policy ENP2. I consider that subject to the implementation of the appropriate conditions, a high quality and appropriate restoration scheme that will enable the long-term maintenance and enhancement of the green infrastructure and wider environment at this site, could be achieved after the mineral development had ceased and at the earliest practical opportunity. The proposal therefore meets the requirements of NPPF paragraph 224 e) and accords with Policies MDC1, MDC9 and CP 52.

Visual amenity

76. The local landscape is composed of flat or gently undulating fields that tend to be grassland close to the watercourses and arable further away. They are bounded by hedgerows of mixed species. Some of these are maintained but a lot are not manicured. The effect of these is to filter and reduce long distance views; Heavens Rise/Maisey Mews being an exception to this norm because the new dwellings have been elevated. The proposals include works to strengthen and extend the hedgerows, which for the most part would be left in situ, whilst the mineral is extracted. On restoration a combination of ridge and furrow meadow, improved pasture and reinstated arable land would be created.
77. The Appellant carried out a landscape and visual impact assessment (LVIA), using 30 viewpoints. It assessed the impact of the proposal on these views during operation, upon completion and after fifteen years. After establishment, the landscape would look very similar to today, when not flooded, except there would be improved and more extensive hedgerows and more wild areas. Long term, the LVIA suggests that there would be no effect in most instances but with the establishment of some mitigation providing some permanent benefits in views, particularly from the roads and the public rights of way.
78. With the exception of Heavens Rise/Maisey Mews, no effect is predicted during operation or on completion, in views from residential properties/areas. However, during operations a number of views from Bridleway AKEY 28, which crosses the appeal site and from High Road to the south of the village, would be adversely affected to a substantial degree. Nevertheless, much of this harm would be limited to the periods when mineral extraction activity was taking place in the vicinity of the right of way and the road. The site of the processing plant and other infrastructure would be in use for the duration of the proposal and would cause significant harm to the view from B4696, adjacent to its location, for the whole of that time.
79. Policy MDC5 seeks to protect and enhance Wiltshire's landscape character in the context of proposals for mineral development. Proposals should include

¹⁴ Geotechnical Statement of Eddie Bailey, Touchstone geological Services Ltd. Appendix 6 Core Document 7.2, Planning Proof of Evidence of Peter Wilsdon

appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Mitigation measures that incorporate acceptable separation distances, landscaping and planting should be carried out.

80. Paragraph 4.5 of the MDC plan points out that it is important that visual intrusion is kept to an acceptable minimum, through the use of appropriate mitigation measures. It refers to the incorporation of defensible separation distances, temporary screening bunds and the phasing of operations.
81. Primarily to mitigate the impact of noise but also to minimise the negative visual effects of the development, a number of amenity bunds between 3 and 5 metres in height would be constructed in sensitive areas but particularly to the east of Heaven's Rise/Maisey Mews. To mitigate the impact of the phase 1 excavation, a 5-metre bund would be erected between 30 and 50 metres from the properties to screen the works. A condition would require this to be removed and relocated further east when the phase 1 works were completed.
82. The LVIA accepts that there would be temporary adverse effects in views to the west of this development. However, those to the east have not been assessed, presumably because of access difficulties. Nevertheless, having observed these views on my site visit, I consider that the impact here would be worse, because of the close proximity of the bund. Given the time period it is unlikely to be improved by a meaningful cover of vegetation, other than grass and only then in probably the latter stages of its use. The significance is very likely to be substantial during the period of approximately nine months when phase 1 would be worked. After that time, this bund would be dismantled, following the construction of a bund 115 metres away to screen the development from phase 2.
83. Although I consider that there will be substantial harm to the overall visual amenity at Heavens Rise/Maisey Mews, following the construction of the screening bund and during the phase 1 excavation, given the limited period, I do not give this harm to the landscape more than moderate weight in the planning balance. This is because the proposal incorporates appropriate mitigation measures, as required by Paragraph 4.5 of MDC. The proposal also makes appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. As such, on balance I consider that it accords with Policy MDC5 and that the temporary adverse ramifications attract no more than moderate weight.
84. In the long term the proposal would restore the site to an agricultural landscape but with an increase in wild areas set aside for nature and with an improved and extended network of hedgerows. The proposed restoration scheme is informed by and sympathetic to the existing landscape character and where appropriate has conserved and in instances, such as the hedgerows, enhanced the aspects of that landscape character identified in CP51. In doing so it has also met the requirements of NP Policy ENP3.

Heritage

85. A large part of the village is now a conservation area. Its significance derives from the diverse range of architectural styles and materials that are found in its buildings; the use of limestone rubble, which predominates amongst the older properties, helps to unify the area. The character is further enhanced by the

irregular pattern of historic streets and the infant river Thames, which passes through the Conservation Area along the side of High Road and where individual bridges cross it to give access to dwellings.

86. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. This requirement does not extend to the Conservation Area's setting.
87. Since the adoption of the MDC plan and the CS, the NPPF has introduced the concept of harm into the assessment of conservation areas and the requirement to weigh this against the public benefits. Policies MDC7 and CP 58 are consequently no longer up to date in this respect. I have therefore deferred to the NPPF when considering the impact of the proposal on heritage assets, apart from archaeology.
88. The nearest edge of the Conservation Area, from the edges of the appeal site, is about 130m away. Only the three southern entrances to the Conservation Area and the Derry have any meaningful visual relationship with the appeal site and given the distances and profiles, most of these views tend to be filtered and insignificant in the context of the experience within the Conservation Area itself. Apart from the processing plant, activity as seen from these locations would be for limited periods.
89. Reason for refusal 4 identifies harm to the setting of Ashton Keynes Conservation Area, in the context of sensory experiences. However, because of mitigation measures, controlled by conditions, the presence of significant adverse air quality or dust impacts from the appeal site's operations would not be likely. Nevertheless, there may be some, particularly on the southern fringes of the Conservation Area. Similarly, although noise levels could also be limited by condition, there would very likely be increases beyond current ambient noise levels at certain times and these would also impact upon the sensory experience within the Conservation Area's southern fringes, when prevalent, and impact upon its character at those times.
90. The proposal would consequently not preserve the character of the Conservation Area but overall, the impact would be small. In this context and given the fact that most of the impacts (apart from those associated with the processing plant) would only be temporary and for short periods, at any given location, I conclude that the potential harm that I have identified would only be minor and therefore much less than substantial.
91. Paragraph 208 of the NPPF advises me to weigh any less than substantial harm to the significance of heritage assets, resulting from the proposal, against the public benefits of the proposal. The scheme would provide a local supply of up to 470,000 tonnes of sand and gravel in an area that has failed to maintain an appropriate supply. That on its own attracts at least great weight¹⁵. However, there would also be benefits to flooding, for biodiversity and landscape improvement, as well as the provision of a local facility to deposit inert waste and the creation of a small number of jobs.
92. Paragraph 205 of the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great

¹⁵ NPPF paragraph 224

weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm. Nevertheless, in my opinion, the totality of the benefits, particularly the need for the mineral, which alone attracts great weight itself, are so significant, that they outweigh the potential extent of the identified "less than substantial harm" to the significance of Ashton Keynes Conservation Area. In my view, the potential harm to the heritage asset is outweighed by the suggested benefits of the scheme before me in terms of paragraph 208 of the NPPF. I also consider the proposal to be consistent with paragraphs 207 and 224 b) of the NPPF.

93. In addition, this proposal would not affect the preservation or setting of any listed building within the vicinity of the site. I therefore find that the provisions of sections 66(1) are not engaged in this case.
94. The second element of Policy MDC7, which lays down criteria for assessing heritage assets of known or potential archaeological importance is still fully relevant. It requires proposals that affect historic assets of potential archaeological importance to be accompanied by an appropriate archaeological evaluation. The application was accompanied by an Archaeological Evaluation prepared in 2017 and updated in 2022. It reported the presence of prehistoric remains adjacent to the appeal site and a strong likelihood for the presence of buried remains within the area of the site.
95. The Appellant proposed to undertake archaeological monitoring and recording whilst excavations were taking place on the site. The County Archaeologist considered this not to be an appropriate substitute for proper geoarchaeological assessment and a strategy for the recovery of any Palaeolithic material from the site. One of the reasons to refuse the application therefore referred to the failure to provide satisfactory information to demonstrate that the appropriate mitigation could take place to protect the archaeological resource.
96. Subsequent discussions with the Appellant led to an agreement that a Strip, Map and Record excavation would be an appropriate form of archaeological mitigation. An agreed condition to this effect was drafted and the Council subsequently withdrew its opposition to the scheme on the basis that the mitigation details discussed in condition 5 would be implemented. I agree that as modified the archaeological evaluation is appropriate and meets the requirements of Policy MDC7.

Ecology

97. Policy MDC6 requires the undertaking of an objective assessment of the potential effects of development on features of biodiversity, having particular regard to the need to maintain and enhance sites and species of international and national importance, in accordance with the relevant statutory requirements. The Habitats Directive¹⁶ requires the Local Planning Authority to carry out a Habitats Regulations Assessment. The Appellant was asked to submit a Shadow Habitats Regulations Assessment to facilitate this exercise.
98. The process assessed whether the proposal would give rise to likely significant effects upon the North Meadow and Clattinger Farm Special Area of Conservation (SAC), which is within 5km of the appeal site and the Severn Estuary Special Protection Area/Ramsar, which is functionally linked with the

¹⁶ Regulation 63 of the Conservation of Habitats and Species regulations 2017

bird population at the nearby Cotswold Water Park Site of Special Scientific Interest (SSSI). Section 28G (2) of the Wildlife and Countryside Act 1981, also requires decision takers to further the conservation and enhancement of the features by reason of which a site is a SSSI.

99. At the screening stage it was concluded that the proposal would have no likely significant effect on these sites, due to the proposed mitigation that would be implemented through planning conditions to protect local receptors, including groundwater, rivers, lakes, wildlife, other habitat and local residents. As a result, the objectives of the Site Improvement Plan for each European site would not be adversely affected by the proposal and no further assessment or specific mitigation would be required. Objections from the Ministry of Defence preclude mitigation that would lead to the creation and enhancement of features that would benefit the bird population.
100. When considering the planning application, the Council concluded that there was no mechanism for effect on the conservation objectives at the SAC or the biodiversity interests of the SSSI. Natural England have advised that the SAC components are sufficiently distant from the appeal site to be not affected by surface water issues that could result from the proposal. It has also advised that the proposal will not damage or destroy the interest features for which the SSSI has been notified. Having reviewed the relevant information before the Inquiry, I am satisfied that with the controls and mitigation that could be secured by the relevant conditions, the proposal would not have any significant effects on the SACs or the SSSI either alone or in combination with other plans and projects.
101. In coming to this conclusion, I note the observations of AKPC in this context, particularly its view that there will be a "massive impact" on the ecological richness of this area of the upper Thames countryside and the adjacent SSSI. However, it has not put any information before the Inquiry that leads me to fundamentally question the validity of the ecological reports before it or the consensual opinions of the ecological experts who have independently looked at this proposal.
102. In addition, AKPC and its supporters do not accept the collective view of the experts on protected species. Following her assessment of the information submitted with the planning application, the Council's Ecologist asked for an up-to-date otter survey. One was submitted by the Appellant in December 2023 but not considered by the Ecologist and appropriate statutory consultees until July 2024. The field survey, which was carried out in October 2023, confirmed the presence of Otters but considered the continued use of the appeal site as a refuge or holt to be unlikely, particularly during the extended winter months¹⁷ when there is often extensive flooding, which overtops the riverbanks.
103. The survey pointed out that for the most part there was only a narrow band of bramble and nettle scrub between the river and cultivated fields that is, for the most part, no more than between 1 and 3 metres wide. Interspersed with this are narrow bands of blackthorn and willow scrub with some mature willow. In the opinion of the author, some of the areas of willow could be used by otters during the summer months but because of the openness of the area, they are unlikely to be used on a regular basis. Otter activity is also limited during the summer months, during periods when the water courses are dry. These

¹⁷ October to May

conclusions are supported by data from regular Otter surveys that were undertaken between 2004 and 2017 and kept by the Wiltshire and Swindon biological records centre.

104. During the periods of the site visits, almost all of the appeal site was covered in flood water, so it was not possible to assess the use of the land. However, the photographs, taken in drier periods, that accompany the Otter report and others, elsewhere in the evidence, do not contradict what is said in the reports or elsewhere in the Appellant's evidence. Nevertheless, AKPC again disputes the survey evidence and findings. It claims that the area to be excavated is 27 hectares of rough pasture and water meadows. The photographic evidence, taken at times when the fields were not flooded, suggests that those uses are not exclusive and that there was some arable land and cultivated pasture. It also claims that Otters are active in this area and will have several holts, depending on the river levels. However, there is no site-specific evidence to confirm this. Nevertheless, during the conditions discussion, the Appellant agreed to update the otter survey at a time within six months of the commencement of development. It also disputes the Appellant's claim that Voles forage exclusively along the riverbanks.
105. As well as the Council's Ecologist, both the Environment Agency and Natural England's experts have withdrawn their objections to this proposal following agreement on a set of conditions that would include the provision of a 20-metre-wide, fenced, operational buffer that is free from any quarry activities and a permanent 10-metre-wide restoration buffer adjacent to all water courses on the site. Conditions could require the buffers to be appropriately planted for the benefit of wildlife and a, to be agreed, long-term management scheme implemented. Otters are protected under the provisions of the Conservation of Habitats and Species Regulations 2017. Irrespective of the outcome of this appeal, it is an offence to damage or destroy Otter breeding sites and resting places, even if Otters are not present, also to intentionally or recklessly disturb or obstruct Otters.
106. Water Voles are similarly protected under Section 41 of the Wildlife and Countryside Act 1981 and are listed as a rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). Natural England advise that if there is evidence of Water Voles being present on a site then a survey should be requested. It refers decision makers to the National Biodiversity Atlas. There is no conclusive record, before the Inquiry, of the presence of Water Voles at the appeal site location. However, if there is evidence of Water Voles nesting or sheltering in the network of ditches on the appeal site, as alleged by AKPC or indeed a continued presence of Otters also, then AKPC should present the evidence to the Appellant and Council so that the appropriate mitigation could be devised and implemented.
107. With the support of AKPC, Mr Yarrow, of the Millenium Green Trust, raised concerns about the impact the proposal could also have on the Barbey Carpet Moth, which is also a protected species and found at Millenium Green. At the nearest point, this is only about 250 yards from the Appeal site. In response Mr Dangerfield, an ecologist advising the Appellant, pointed out that the caterpillars of this moth need to feed on Barberry (*Berberis vulgaris*) plants in order to mature and survive. He confirmed that Barberry has not been recorded in any hedgerows or other habitat on the appeal site and in

questioning by the Appellant's barrister, Mrs Grieves on behalf of AKPC agreed. Once again, if concrete evidence to the contrary exists and the information before the Inquiry proves to be wrong, then the Appellant and Council should be notified so that appropriate mitigation could be agreed and implemented.

108. Because the date when the application was submitted predates the introduction of the requirement, introduced by Section 98 and Schedule 14 to the Environment Act 2021, to impose a condition on the grant of planning permission to secure a 10% Biodiversity Net Gain (BNG) at all appropriate new development, the appeal proposal is exempt from this requirement.
109. Nevertheless, following the implementation of the restoration proposals, the Appellant anticipates that there will be significant net gains to biodiversity as a result of the creation of additional habitats, new and improved hedgerows and additional watercourses. The Council agrees with the BNG metric that the Appellant has prepared, and in my view, it represents a reasonable assessment of what could be expected.
110. AKPC disputes the conclusion of a 75% biodiversity net gain on restoration, believing that there will be a 60% loss in biodiversity because there are already rich natural habitats outside of the riverbanks and hedgerows and that the scheme will destroy these. However, the surveys undertaken as a part of the Ecological Impact Assessment and the photography in the wider evidence base, suggest that most of the appeal site, away from the margins of the river Thames and its tributaries, has been used for arable or improved grassland farming over the past decade and before. Although some of this land was classified by Natural England as 'floodplain grazing marsh' the survey did not suggest that this area is species rich away from the watercourses and hedgerows.
111. Nevertheless, it is likely that some mammals will forage across the site and some other animals will use it. The proposals would disturb these when activity is occurring in the different parts of the site. However, the sand and gravel are to be extracted in phases and the site progressively restored. Similarly, the soil and subsoil would be progressively removed, stockpiled and replaced as work progresses across the site. At any one point in time, a majority of the site that is not set aside for nature, would be either awaiting development or restored. There would therefore, apart from during some flood events, continually be land over a majority of this site to facilitate the needs of species moving through the area and using it to forage.
112. I note AKPC's point about the ditches having to be maintained to allow them to continue to function in a drainage capacity. This would undoubtedly reduce their overall ability to maximise their contribution to biodiversity. The species richness of some existing overgrown ditches would very likely decline. The proposed 10 and 20 metre water course margins would be required as mitigation for the protected species and are not included for the benefit of the Appellant's biodiversity sentiments, as alleged. Their use by species that are likely to use the restored site would very likely more than compensate for the loss of the overgrown ditches. In these contexts, the Appellant agreed to prepare an updated Biodiversity Net Gain plan to be submitted to and approved in writing by the MPA before any work commences on site. Overall, whilst I do agree that there would be a net benefit for biodiversity, compared to the situation today, when the scheme is completed, given the above and the losses

to biodiversity during the implementation stage, I can give no more than moderate weight to that benefit.

113. I consider that the proposals, if implemented in accordance with the appropriate mitigation conditions would on completion have both maintained and enhanced the site's biodiversity and its contribution to the protection of species of international and national importance in accordance with the relevant statutory requirements. The proposal accords with Policies MDC1 and MDC6 and meets the requirements of AKLP Policy ENP1.

Highways

114. The Highway Authority does not object to these proposals, and it did not object to the previous application. The Appellant submitted a Transport Statement with the previous application and that was updated for the purpose of this one. It suggests that the proposal could generate up to 48 HGV movements per day but if the proposed backloading with imported waste occurred then this could be reduced to between 31 and 41 HGV movements per day exiting onto the B4696. Staff transport could add up to another 26 vehicles per day if everyone arrived and departed alone. To maximise the impact, capacity assessments, at the key junctions in the area, used a 50% increase in development traffic and assumed that all staff enter and leave alone during the peak hours. Despite that, they indicated that development trips would have negligible traffic impact on the network, apart from at the A3102 Swindon Road roundabout. Notwithstanding this the Highway Authority has raised no objections or requested any mitigation, other than at the exit onto the B4696 and on High Road.
115. An examination of personal injury data has demonstrated that there is no major clustering of accidents or any visible trend. In these circumstances I conclude that there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the principal road network, during the lifetime of the quarry, would not be severe. This aspect of the proposal therefore meets the requirements of NPPF paragraph 116.
116. The development proposes to use a short stretch of High Road, either side of the Swill Brook bridge, to transport mineral and fill between quarry phases 1-3 and the processing plant. It is estimated that between 25 and 29 quarry lorry movements would occur along this stretch of road on the days on which the eastern quarry would be operating. That would represent up to 4 vehicles per hour. Depending on progress, which would be influenced by the prevalence of flooding, the extraction and restoration processes could need to make use of this arrangement for a period of about seven years.
117. Two new accesses would be created onto High Road, either side of High Bridge. They have been designed with an exit alignment that directs traffic to the left and towards the other access. Whilst visibility at both junctions, is satisfactory, the carriageway along this part of High Road is narrow.
118. Measurements confirm that the minimum carriageway width is between 4.1 and 5.0 metres. Manual for Streets advises that the minimum carriageway width needed, for the free movement of traffic, when a wide car is passing a large service vehicle, is 4.8 metres¹⁸. There are clearly lengths of this road

¹⁸ Manual for Streets, Department for Transport, 2007

that are not wide enough for these two types of vehicles to pass. The Appellant recognised this when formulating its proposals and suggested to the Highway Authority that the surfacing of two informal passing places, one north east of High Bridge and the other west of proposed access 'B' and both on the eastern or southern side of the road, would be an appropriate solution to the problem.

119. The Rural Roads Design Criteria¹⁹ says that on single track roads, inter-visible passing places must be provided at a minimum spacing of 200 metres. To function effectively a driver approaching a passing place should be able to clearly see a vehicle traveling in the opposite direction at or beyond the next passing place and in time to stop and wait in the passing place that he/she is approaching. There are trees on either side of the affected part of High Road and a bend in the vicinity of High Bridge, such that there is no inter-visibility between the two proposed passing places.
120. The western one is also beyond the stretch of road that quarry traffic would be using. It is not clear what benefit this would be to the interface of quarry traffic with other traffic, on the stretch of road proposed to be used by quarry traffic, by surfacing this passing place. Vehicles travelling eastwards would see a quarry vehicle on the road between here and High Bridge and could wait on the unwidened carriageway for the quarry vehicle to approach it and turn into access 'B'. Non quarry vehicles travelling westwards would have passed the western quarry access before reaching this proposed passing place. Quarry vehicles should not be traversing this stretch of High Road so any other vehicle should not need to pass a quarry vehicle at this location.
121. I considered the proposal to be unsafe, particularly in the contexts of inter-visibility but also had reservations about the impact of the close proximity of dykes, on both sides of this road west of High Bridge, on the construction of appropriate passing places. After the Inquiry was adjourned, I wrote to the Highway Authority and the other main parties about the proposals for passing places. The Appellant accepted that the proposal before the Inquiry was not an appropriate solution and submitted an alternative scheme with up to four passing places, a swept path analysis and accurate details about the available road and verge widths. In locations where available verge widths, in the context of the dykes, could be an issue, it was suggested that there could be widening on both sides of the carriageway. In this context I am now confident that such a proposal, which is shown on drawing ref 220706-Figure 1, could be designed to comply with the Rural Roads Criteria. Appropriate conditions could require the submission, approval and implementation of an acceptable scheme before High Road was used by quarry traffic.
122. Whilst concerns were expressed about the additional use of High Road by quarry vehicles, the evidence suggests that there would only be up to four additional HGVs per hour, using this length of road, during working days but for a period of about seven years. Such use would not involve conflict with most other trips using the road at those times. Those that do would only have a brief delay waiting in a passing place or following a slow vehicle for a short distance. The impediments to a speedy journey using the Derry or Godditch, which are both narrow, without formal passing places and often congested due to parked cars, do not make these likely alternatives for rational drivers. I

¹⁹ HS2 Rural Road Design Criteria, Gov UK, 2012

- consider that High Road would be maintained as the preferred route of entry or exit to or from the village for persons journeying in light vehicles and to or from a southerly direction.
123. High Road has traffic restrictions preventing its use by HGV's not requiring access to land and property off it. There is concern that as quarry traffic using High Road would be within the restricted area, it would be legitimate for it to use other sections of High Road to the north as well. The accesses into the quarry are to be designed to deter this but conditions could also require the provision and implementation (through enforcement if necessary) of schemes of signage and vehicle routing.
124. Concern was also raised about the deposition of mud on the road and the safety issues that could arise if this was not controlled. Some hard surfacing is likely to be installed in the vicinity of the processing plant and to the access onto the B4696. Whether that would extend from the processing plant to access 'B' and whether there would be any hard surfacing from access 'C' into the eastern quarry and for how far, is uncertain.
125. Clearly if there is not extensive internal hard surfacing and a scheme to ensure that such routes are kept clear of mud and debris, then it is very likely that there will be continuous problems concerning the deposition of mud and debris on High Road. This could be avoided through a careful consideration of this issue, when preparing the Construction/Operations Management Plan. The extent of hard surfacing and the need for wheel washing facilities, at the three site exits, should be assessed at that time. A condition requiring the submission and approval of a Construction/Operations Management Plan before any development commences on the site, could require such assessments and the subsequent implementation of any necessary mitigation.
126. There is clearly evidence to suggest that Wiltshire has not been delivering its contribution to the regional sand and gravel output in recent years, such that there will have been less sustainable imports from further afield. The proposal would be serving a local market and be more sustainable than the importation of the mineral from elsewhere. There is no evidence to suggest that without the exploitation of this resource a seven-year supply will suddenly be identified in Wiltshire. There is consequently a movement sustainability advantage to be gained from the extraction of the mineral at this site and at the present time. This weighs in favour of the proposal to a minor degree
127. As well as helping to minimise sand and gravel aggregate transportation distances, the site also has appropriate links to the Wiltshire Strategic Lorry Route and the primary highway network. This is a further advantage of this site as a location for sand and gravel extraction. A site transport plan could be required by condition and mitigation measures could be implemented to improve and strengthen High Bridge and improve the access to the B4696. The proposal is in accordance with Policy MDC8. Nevertheless, despite the mitigation, as a consequence of the proposal, there will clearly be increased numbers of HGVs on local roads for the extent of the quarry's life. Although not sufficient to justify refusing planning permission, as suggested, it does attract minor weight against the proposal.

Other Matters

128. AKPC raised concerns about the consultation undertaken on the additional information submitted by the Appellant in December 2023, in the context of the Environmental Impact Regulations²⁰. Regulation 25(2) refers to the provision for publicity when further other information, additional to that considered when the application was determined, is submitted to an appeal. It says that the publicity requirements set out in Regulation 25(2) do not apply. The Rationale for this approach was explained by Sullivan J in *R (Davies) v Secretary of State*²¹. It is also worth noting that an ES only requires the inclusion of a description of the likely significant effects which are to be described. That does not mean all effects. As the NPPG states at paragraph 35 "the ES should be proportionate and not be any longer than is necessary to assess properly those effects"²².
129. Notwithstanding that I arranged for the Council to undertake a consultation on the additional information submitted in 2023 that was not consulted upon before the application was determined. Although the Council limited the period of response to itself to 14 days in July, I have had regard to all written information submitted thereon up until the time that I adjourned the Inquiry on 18 October. Participants have therefore had a period of about three months to respond.
130. In support of its case AKPC referred to the case of *R (Jenkins) v Gloucestershire CC*²³. However, the cases are not similar. That case concerned an application for judicial review on a decision made by a local planning authority, not an Inspector holding a Public Inquiry on behalf of the Secretary of State and the point at issue was whether the additional information was "any other information" within the meaning of the relevant regulations.

The planning balance

131. At the heart of the NPPF is a presumption in favour of sustainable development, the achievement of which means delivering three overarching objectives which reflect the economic, social and environmental dimensions of the system and which are interdependent but nevertheless sometimes conflicting. In that context it is necessary to undertake a weighting exercise that weighs and balances the advantages and disadvantages of the proposal.
132. Whilst there is understandable concern locally about the need for and likely impact of the development, in the first instance the NPPF says that I should give great weight to the benefits of any mineral extraction to the economy. There is also a clear local need for this development, because of the particular circumstances of sand and gravel extraction in Wiltshire in recent years and going forward. This leads overall to me giving substantial weight to the need to extract this mineral now.
133. In addition, the proposal has other positive benefits through its increase in flood storage capacity, both immediately and long term; by providing additional capacity within which to deposit inert waste from local construction sites; to biodiversity and the local ecology through improved and extended habitat in the long term; to the local landscape in the long term; to the benefits to movement sustainability; and because of the limited number of

²⁰ Town and Country Planning (Environmental Impact Regulations) 2017,

²¹ EWHC 2233 (Admin) 2008 WL 4153176, at paragraphs 45-47, CD12.4.

²² NPPG on Environmental Impact Assessment, paragraph 35

²³ EWHC 292 (Admin) 2012, paragraphs 76-78

local jobs that would be provided. I give these considerations minor, moderate, moderate, minor, minor and minor weight respectively. I have also found that the public benefits of the proposal outweigh the less than substantial harm to the heritage asset.

134. The NPPF recognises the harms that can result from mineral extraction and discusses the need to mitigate the harmful effects through conditions where that is possible. Nevertheless, and in that context, there would still be harm through dust deposition, increased noise, and to local wildlife all of which attract minor weight. There would also be moderate harm to the local landscape, whilst the quarry is operating but that would be reduced overall by the permanent long term improvements. Additionally, there would also be minor harm as a result of the increased presence of HGVs on the local highway network. Nevertheless, and overall, in my view, the weight of considerations clearly falls on the side of allowing the appeal.

Conditions

135. The thirty-two conditions, agreed between the Appellant and Council and set out in the revised agreed SoCG, were considered discussed and some amended in the context of the discussions at the Inquiry. They include the usual timing and plans conditions along with others suggested by the EA, Natural England and relevant officers of the Council, including the Highway Authority.
136. Overall, in order to enable the development to meet DP policies that seek to achieve sustainable development, conditions concerning the prevention of increased flooding and harm to water quality, site management (including acoustic and air quality management), highway safety, visual amenity, the restoration and landscaping of the site, ecological and environmental protection and enhancements, and the protection and mitigation of archaeology were suggested.
137. Following discussion at the Hearing, it was agreed that routing and signage plans were necessary to advise and prevent HGV drivers from using High Road, other than between accesses B and C, particularly to the north of the appeal site. Additionally, as the use of the on-site plant to process minerals imported from elsewhere, was not a part of the application and its impact has not been considered, a condition preventing the importation of sand and gravel for processing and requiring the plant to be dismantled once the processing of sand and gravel extracted from the site had been completed, was agreed.
138. There was much misunderstanding on the part of third parties about the detailed aspects of this proposal and their ramifications. The evidence before the Inquiry suggests that there were only minimalistic attempts to explain the proposals to the public and that this was a contributory factor to the misunderstandings. I agree with the representations from AKPC that a continuation of this situation would not be in anyone's interests and the establishment of a liaison group would be beneficial. A condition would establish the parameters for undertaking this. The revisions to the proposals for passing places on High Road and on-site wheel washing have also required modifications to some original highway conditions and an additional condition.

139. The conditions are set out in Schedule A at the end of the decision. I have considered the need for all of the conditions in the context of the tests contained in paragraph 56 of the NPPF and the advice contained in NPPG. The conditions are necessary to ensure that the development operates to a high standard, maintains acceptable living conditions for residents within the area, as well as the high-quality public realm in the Conservation Area for the benefit of residents, workers and visitors. They also ensure that the development would be safe and sustainable, minimise the impact on the environment and comply with the relevant DP Policies.
140. For the purposes of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant records its agreement to the imposition of the pre-commencement conditions set out (or to any variations of them imposed by myself, which are to substantially similar effect). Only conditions which are formally required to be discharged, prior to works commencing on site, have been promoted as pre-commencement conditions. They should be imposed and discharged before work commences, as they involve the submission of details for the arrangements of the initial works on site or matters that affect the layout and position of such development, that have not yet been considered. These details are therefore required to be submitted and approved by the local planning authority prior to the commencement of development.

Conclusion

141. In conclusion, I consider that, the proposal is required to assist in meeting Wiltshire's ongoing supply of sand and gravel to local markets. In this context the proposal is in accordance with the DP's mineral policies, particularly Policy MCS1. I have also found that with appropriate mitigation that could be achieved through appropriate conditions, the development would not result in unacceptable levels of harm, to the environment and human health.
142. The proposal is consequently in accordance with the DP when read as a whole. I do not consider there to be any material considerations of sufficient weight to outweigh the presumption in favour of determining planning applications in accordance with the DP. The proposal, particularly when completed, would constitute sustainable development, having regard to all three aspects, as set out at paragraph 8 of the NPPF and the presumption in favour of such development, as set out in paragraph 11 of that document, should be applied. In such circumstances, planning permission should be granted.
143. I recognise that this finding will be disappointing for those who oppose the development and am mindful, in this regard, of the Government's 'localism' agenda. However, even under 'localism', the views of local people, very important though they are, must be balanced against other considerations, including national and local planning policy. In coming to my conclusions on the various issues that have been raised, I have taken full and careful account of all the representations that have been made. I have balanced these against the provisions of the DP, the NPPF and other material considerations. On balance though, the evidence in this case leads me to the conclusion that the appeal should succeed.
144. For the reasons given above the appeal should be allowed.

Melvyn Middleton

INSPECTOR

Annex A – Schedule of conditions

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

(2) The development hereby permitted (including the access details) shall be carried out in accordance with the following plans and documents:

APPLICATION DOCUMENTS and PLANS	
DOCUMENTS	CORE DOCUMENT REFERENCE
Cover Letter	1.1
Application Form	1.2
Planning/Design and Access Statement	1.3
Statement of Community Involvement	1.4
Landscape and Ecological Management and Maintenance Plan	1.5
Soil Handling Strategy	1.6
Report on Mineral Resources and Quarry Development	1.7
Shadow Habitats Regulation Assessment	1.8
Biodiversity Net Gain Metric (Excel spreadsheet)	1.9
Drawing No. 2675-4-1-1 DR-0001 – Site Location Plan	1.10
Drawing No. 2675-4-1-1 DR-0002 – Site Layout	1.11
Drawing No. 2675-4-1-1-DR-0003 Stage 1 – Initial Works	1.12
Drawing No. 2675-4-1-1-DR-0004 Stage 2 – Phase 2 Extraction	1.13
Drawing No. 2675-4-1-1-DR-0005 Stage 3 – Phase 2a Extraction	1.14
Drawing No. 2675-4-1-1-DR-0006 Stage 4 – Phase 3 Extraction	1.15
Drawing No. 2675-4-1-1-DR-0007 Stage 5 – Phase 4 & 5 Extraction	1.16
Drawing No. 2675-4-1-1-DR-0008 Restoration	1.17
Access Arrangements	1.18
Swept Path Analysis	1.19
Vol I: Environmental Statement Non-Technical Summary	1.20
Vol II: Environmental Statement Text	1.21
ES Figures (Drawing Nos DR0001 – 0007)	1.22
ES Appendix 1 – Ecological Impact Assessment	1.23
ES Appendix 2 – Impact Assessment on Agricultural Land Quality and Soil Resources	1.24
	1.25

ES Appendix 3 – Hydrological and Hydrogeological Environmental Impact and Flood Risk Assessment (Parts i, ii, iii and iv)	1.26
ES Appendix 4 – Air Quality Assessment	1.27
ES Appendix 5 – Heritage Impact Assessment	1.28
ES Appendix 6 – Landscape and Visual Impact Assessment (parts i, ii and iii)	1.29
ES Appendix 7 – Noise Assessment	1.30
ES Appendix 8 – Transport Statement	1.31
ES Appendix 9 – Health Impact Assessment Screening	
ADDITIONAL/AMENDED REPORTS and/or PLANS SUBMITTED AFTER VALIDATION	
ES Addendum – Response to Consultees, Dec 2023	2.1
Wheatleys Farm Quarry Otter Survey Report	2.2
Revised Hydrological and Hydrogeological Environmental Impact and Flood Risk Assessment	2.3
Revised Landscape and Ecological Management and Maintenance Plan	2.4
Revised Soil Handling Strategy	2.5
Drawing No 2675-4-1-1 DR0012 – Screening Landform Specifications	2.6
Revised ES Appendix 2 – Impact Assessment on Agricultural Land Quality and Soil Resources	2.7
Flood Risk Sequential Test	2.8

Archaeology

(3) No development shall commence on site until:

- a) A written programme of archaeological investigation for strip, map and record excavation, has been submitted to and approved by the Minerals Planning Authority, and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details

N.B. The work is to be carried out following the Standard and Universal Guidance for archaeological excavation as set out by the Chartered Institute for Archaeologists (CIfA) in December 2023.

Dust Management

(4) No development shall commence on site until a Dust Management Plan (DMP)

has been submitted to and approved in writing by the Minerals Planning Authority.

The DMP plan shall include the following:

1. A site description,
2. A map showing sensitive residential receptors and their distance from the site boundary,
3. A wind rose showing the average wind direction and strength,
4. Full details of dust generating activities,
5. Control measures that will be implemented on site to mitigate emissions from dust generating activities and which will include controls for the following:
 - Vehicle movements in/out of the site,
 - Loading and tipping operations,
 - Handling and movement of stockpiles,
 - Wind blowing across stockpiles,
 - Screening of wastes site management,
 - Additional dust suppression controls to be implemented,
6. Contact details of who is responsible for the overall control and management of dust,
7. A statement confirming details of dust control training to be provided for all personnel operating on the site,
8. A statement on the impact that the predicted airborne dust concentrations will have on the operation of air source heat pumps in the vicinity of the site,
9. Details of how and where proactive dust monitoring will take place,
10. Details of particulate monitoring equipment to be used, locations where it is to be installed, trigger levels defining acceptable/unacceptable concentration levels of particulates (PM10) and full details of quality assurance/quality control and record keeping,
11. Details of an associated compliant handling procedure that clearly indicates how members of the public can raise complaints, and
12. A dust action plan confirming details of additional steps to be taken:
 - a. during significant dry spells of weather,
 - b. in the event that complaints are received, or monitoring reveals that an activity at the site has resulted in unacceptable levels of dust being generated.

The approved DMP shall be implemented in full and retained for the lifetime of the development.

Bunds – Noise Mitigation

(5) No development shall commence on site until detailed scaled technical drawings of the bunds, to include the full length, width and heights above ground (to the specified profiles as illustrated on the Screening Landform Specification drawing ref: 2675-4-1-1 DR-0012 S4-P1) and confirmation of the construction materials to be used, have been submitted to and approved in writing by the Minerals Planning Authority. The bunds shall be completed in accordance with the agreed details.

Bunds – Phasing of Works:

(6) The screening bunds shall be constructed erected and removed in accordance with the phasing of the works (as illustrated on the Screening Landform Specification drawing ref: 2675-4-1-1 DR-0012 S4-P1). The bund identified as SS1 shall be erected no closer than 20 m from the application boundary, where it will remain for no more than 9 months. Before this time the bund will be moved to a location no closer than 73 m from the application boundary.

Bunds – Management Plan:

(7) No development shall commence on site until a bund management plan, to include the following requirements, has been submitted to and approved in writing by the Minerals Planning Authority:

1. Details of a proactive bund condition monitoring program, including planned inspection frequency and an action plan with timescales for remedying any identified significant structural damage to the bund that could compromise its noise attenuating ability,
2. Names and contact details of persons responsible for the construction and ongoing management of the bund,
3. The bund management plan shall be submitted to and approved in writing by the Minerals Planning Authority and retained in full for the lifetime of the approved use,
4. The Minerals Planning Authority shall be granted access to inspect the bund/s in full, and within 7 days of any written request,
5. The applicant shall, following receipt of information from the Minerals Planning Authority that confirms that the condition of the bund has deteriorated in such a way as to compromise its noise attenuation properties, take steps to remedy the structural damage to the bund and complete the remedial works within 30 days of

first being notified by the Minerals Planning Authority.

Site operating hours

(8) Except in emergencies to maintain safe quarry working (which shall be notified to the Minerals Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site, shall be carried out outside of the following times:

0730 hours to 1700 hours Monday to Friday, and

0900 hours to 1300 hours on Saturdays

In addition, there shall be no operations on Sundays or Bank or Public Holidays, unless otherwise approved in writing by the MPA under exceptional circumstances. For the purposes of this condition, operations shall include vehicle movements connected with the importation of waste.

(b) No operations for the formation and subsequent removal of material from any environmental bunds and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

The specific bund formation operations adjacent to Phase 1 in the vicinity of the dwellings at Wheatley's Farm and Maisey Mews shall only be carried out between the following times:

0830 hours to 1530 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

(c) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

Site Noise Limits (routine operations)

(9) Except for temporary operations, the free field Equivalent Continuous Noise Level ($L_{Aeq, 1 \text{ hour}}$) at the noise sensitive properties in the vicinity the site and as listed below shall not exceed the following:

- Waterhay Farm – 50 dB $L_{Aeq 1 \text{ hour free field}}$,
- Westfields Farm – 50 dB $L_{Aeq 1 \text{ hour free field}}$,
- Happy Land – 50 dB $L_{Aeq 1 \text{ hour free field}}$,
- Inanda – 50 dB $L_{Aeq 1 \text{ hour free field}}$,

- Wheatley's Farm – 50 dB L_{Aeq} 1 hour free field,
- Maisey Mews – 50 dB L_{Aeq} 1 hour free field,
- Glebe Farm – 54 dB L_{Aeq} 1 hour free field, and
- The Derry 51 dB L_{Aeq} 1 hour free field.

Site Noise Limits (temporary operations)

(10) For temporary operations, the free field Equivalent Continuous Noise Level ($L_{Aeq, 1 \text{ hour}}$) at the noise sensitive properties, listed in Condition 9, and adjoining the site shall not exceed 70 dB L_{Aeq} 1hour free field.

Where the site noise limits for routine operations, as detailed in Condition 9, are exceeded, they shall not be exceeded for a total of more than eight weeks in any continuous 12-month period and shall not be continuously ongoing for more than four weeks in any one location.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.

Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

Site Noise Monitoring

(11) No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall be implemented in full and provide for:

- Attended sample measurements of normal site operations by a competent person comprising a minimum of two separate L_{Aeq} 15 minute noise levels in non-adjacent hours at each of the monitoring locations identified in Condition 9,
- Measurements to be made no closer than 3.5 metres from the façade of properties or other reflective surface (i.e. free field conditions) and corrected for extraneous noise.
- Monitoring surveys to be taken at one monthly intervals during the initial Phase 1 works, decreasing in frequency to two monthly intervals for Phase 2. Annual monitoring to take place following the completion of Phase 2 and for

- the duration of the operation of the development hereby permitted,
- Provision for noise monitoring during the temporary operations, described in Condition 10, shall be at least once during the initial temporary operations periods in Phase 1 and 2 and during the development of the plant site,
 - Provision for a single night-time noise monitoring survey in the vicinity of Wheatley's Farm House and/or Maisey Mews for the purpose of confirming that noise from the nearest instances of overnight dewatering of the site to those properties is in compliance with Condition 9,
 - Details of equipment and calibration proposed to be used for monitoring,
 - Details of noise monitoring staff qualifications and experience,
 - Monitoring during typical working hours, with the main items of plant and machinery in operation,
 - The logging of all-weather conditions, approximate wind speed and direction, as well as both onsite and off-site events occurring during measurements, including 'paused out' extraneous noise events,
 - Complaints procedures: Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 9,
 - Procedures for characterising extraneous versus site attributable noise if required,
 - Monitoring results to be forwarded to the Minerals Planning Authority within 14 days of measurement.

Reversing Alarms

(12) No vehicles and/or mobile plant used on site shall be operated unless they have been fitted with broadband noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

All plant, equipment and machinery shall only operate during the hours permitted under Condition 8. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specifications at all times.

Overnight Dewatering

(13) All pumps used in connection with the development hereby permitted shall be powered by enclosed diesel-powered generators and shall not be located within 125

metres of any residential property unless subject to additional mitigation. All pumps shall be operated and sited so as to minimise the impact on residents from noise. Noise levels from any pumping operations carried out outside normal working hours, as detailed under Condition 8, shall not exceed 22 dB $L_{Aeq\ 1\ hour}$ at a distance of 3.5 metres from the nearest façade of any residential property.

Prior to the site becoming operational, a scheme containing full details of the proposed generator and sound proofing enclosures, to be used for dewatering pump operations, shall be submitted to and agreed in writing by the Minerals Planning Authority. The scheme shall confirm that the rated sound power level of any enclosed generator shall not exceed 83 dB L_{WA} . The scheme shall be implemented in full and maintained thereafter for the lifetime of the development.

Highways & ROW

(14) No development shall take place until a revised scheme of off-site highways works, in general accordance with plan 220706-Figure 1 but including intervisible passing places that at least meet the relevant highway standard, has been submitted to and approved in writing by the Minerals Planning Authority. The approved off-site highways works shall be implemented prior to the commencement of any operational use of the site and retained and maintained for the duration of the development.

(15) No development shall take place until an access signage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved access signage scheme shall be implemented prior to any operational use and retained and maintained for the duration of the development.

(16) No part of the site shall come into operational use until such time as an approved routeing agreement and plan, to ensure that Heavy Goods Vehicle movements to and from the site do not make use of the C2 Coxs Hill / High Road for any part of its length between the B4696 and a point immediately north of approved access point C in any direction of travel, has been submitted to and approved in writing by the Minerals Planning Authority. All HGV movements shall be made only in accordance with the approved routeing agreement and plan.

(17) Prior to the commencement of works in phase 2a, details of a dedicated

haulage road and a construction management statement, regarding the crossing points over bridleway AKEY28 that details the following, shall be submitted to and approved in writing by the Minerals Planning Authority:

- Drawings, including construction details, detailing where the haulage road crosses Bridleway AKEY28 and (including a geotextile and the rolling and compaction of 300mm deep type 1 roadstone) which is not slippery for equestrian users,
- If the crossing points are raised, then the bridleway will need to be ramped with suitable material to meet the raised surface,
- Details of vehicle crossing point signage and a written statement outlining the management of pedestrian/bridleway user/vehicle conflict,
- Vehicle crossing points shall be well signed, in order to warn bridleway users of the crossing location and to ensure that plant operators are aware of the likelihood of horses and pedestrians. Plant and vehicles must switch off and wait for the users of the bridleway to have crossed and to be clear of the crossing and surrounding bridleway before the plant vehicles are restarted,
- All gates on the bridleway are to be removed, as they are not required for stock control,
- The vehicle crossing points, agreed signage and management of the crossing points shall be completed and implemented in strict accordance with the agreed details prior to the commencement of works in phase 2a of the development and retained for as long as the crossing points are in use by the development,
- After the works are finished then the crossing points are to be returned to the condition that existed prior to the development commencing (as surveyed in condition 21 below),
- Any pipe or culverting of the ditch should be removed once the extraction of gravel has been completed.

(18) Prior to the commencement of the use of High Bridge for the hauling of extracted mineral between the eastern and western parts of the site, details of its re-decking shall be submitted to and approved in writing by the Minerals Planning Authority. The works shall be implemented in accordance with the approved scheme.

(19) No development shall commence on site until a Construction/Operation Management Statement has been submitted to and approved in writing by the Minerals Planning Authority. This will include the following details:

- Staff car parking,
- Wheel washing facilities,
- Storage areas,
- Site route map,
- Locations of Bridleways and details as to how any impact on them will be managed,
- Use of banksmen (and their respective qualifications),
- Turning facilities,
- Hours of operation,
- Numbers and sizes of vehicles.

The approved Construction/Operation Management Statement shall be implemented in full and maintained for the lifetime of the development.

(20) Prior to the commencement of the use of High Bridge, for the hauling of extracted mineral between the eastern and western parts of the site, details of the construction and location of the temporary passing bays on High Road shall have been submitted to and approved in writing by the Minerals Planning Authority. The passing bays shall be completed in strict accordance with the agreed details, prior to the first operation of the site and retained for the period that they are in use by the development. After the works are finished the temporary passing bays shall be removed, and High Road returned to its condition prior to the development commencing (as surveyed in condition 21 below).

(21) No development shall commence on site until a full road condition survey (to include photographs) covering the entire length of the proposed construction route has been submitted to and approved in writing by the Minerals Planning Authority. Particular note must be taken of the AKEY28 Bridleway and High Bridge. The applicant will monitor the condition of the construction route throughout the time of the operation and re-instate at any time if required to by the Local Highways

Authority. Within a month of completion of operations on site, a photographic survey will be undertaken and submitted in writing to the Minerals Planning Authority. Re-instatement to the satisfaction of the Highway Authority will take place within 3 months of completion.

(22) No development shall commence on site until details of the 3 accesses have been submitted to and approved in writing by the Minerals Planning Authority. The details shall include surface materials, layout and visibility. Access A is to provide a visibility splay of 2.4 x 108m to the northwest and 2.4 x 101m to the southeast, with a 9m junction radii. The accesses from High Road, noted as B and C shall be provided with a single radius to their junctions with exit tapers. Access B is to be provided with a junction visibility of 2.4 x 56m to the southwest and 2.4 X 54m to the northeast and Access C is to be provided with a junction visibility of 2.4 x 67m to the north and 2.4 X 72m to the south respectively. Visibility splays shall be clear of obstruction at and above 900mm. When completed, the accesses shall be maintained in accordance with the approved details for the lifetime of the development.

(23) Within three months of the completion of works the applicant will close accesses A and B. Prior to that, details of methods of closure will be submitted to and approved in writing by the Minerals Planning Authority.

Flood Risk

(24) The development hereby permitted, shall be carried out in accordance with the submitted flood risk assessment (ref GWP Consultants Ltd, 221208 v.03 dated August 2023) and the following mitigation measures it details:

- Compensatory storage shall be provided in accordance with section 10.1.2, section 12.1.4 and Table 11,
- The temporary bridge shall be constructed in accordance with section 10.1.2,
- The bunds shall be constructed in accordance with section 9.2.2 and section 10.1.2,
- The site shall be restored to below existing ground levels in accordance with section 7.6,

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements to ensure that there is no increase in flood

risk elsewhere. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Operational Buffer

(25) No development shall take place until a scheme for a 20-metre operational buffer zone along all watercourses (to be identified and operational during the active working life of the quarry and measured from the top of the bank of the watercourse) has been submitted to, and approved in writing by the Minerals Planning Authority. The buffer scheme shall be carried out as approved and any subsequent variations shall be agreed in writing by the Minerals Planning Authority.

Pre-commencement otter survey

(26) No development shall take place until an updated otter survey has been conducted at a time that is no longer than 6 months before the start of development, in order to ensure that there is no activity by the protected species at the time of mobilisation on site.

Baseline Water Quality monitoring

(27) No development shall take place until such time as a scheme for baseline water quality monitoring has been submitted to, and approved in writing by the Minerals Planning Authority, in consultation with the Environment Agency. The proposed scheme must adequately characterise the site and its surroundings. Once the scheme has been agreed, it must be carried out, completed and reviewed prior to any mineral extraction workings on the site. The scheme must contain quarterly monitoring to adequately characterise seasonal variations for representative determinants, prior to any alteration of pre-development groundwater levels.

LANDSCAPE CONDITIONS:

Approval Of Landscaping Before Commencement

(28) No development shall commence until full details of any trees and vegetation, to be retained, together with measures for their protection during development, have been submitted to and approved in writing by the Minerals Planning Authority. The trees and vegetation shall be retained in accordance with the agreed details.

(29) Prior to the commencement of the infilling and restoration phases, a planting plan providing a detailed planting specification, and showing all plant species, planting sizes and planting densities shall be submitted to and approved in writing by the Minerals Planning Authority.

Landscaping To Be Carried Out & Maintained

(30) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of each extraction/restoration phase.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Minerals Planning Authority.

Soil Stripping

(31) Soil stripping and storage will be in accordance with Defra's *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*.

ECOLOGY CONDITIONS:

Restoration Plan

(32) No development shall take place until an updated Restoration Plan has been submitted to and approved in writing by the Minerals Planning Authority. The plan shall include the provision of a 10m wide buffer strip adjacent to all watercourses (measured from the top of the bank) to retain/provide habitat for otters and other wildlife. The scheme shall be defined both in text and via illustrative diagrams to define the dimensions of the buffer zone, demonstrate the relative proportions of the buffer allocation, and indicate the spatial context of the scheme. The approved updated Restoration Plan shall be implemented in full in accordance with the scheme's timing/phasing arrangements.

Landscape and Ecology Management and Maintenance Plan

(33) No development shall take place until an updated Landscape and Ecology Management and Maintenance Plan (LEMMP) has been submitted to and approved in writing by the Minerals Planning Authority. The LEMMP shall include but not be

limited to the management and maintenance of the 10m wide restoration plan buffer strips and the proposed ridge and furrow system. The approved LEMMP will be implemented in full, and in accordance with the scheme's timing/phasing arrangements.

Biodiversity Net Gain

(34) Prior to the start of any works onsite, including vegetation removal and soil stripping, an updated Biodiversity Net Gain plan shall be submitted to and approved in writing by the Minerals Planning Authority. The plan should update the location, area of habitat and habitat type within the 10m buffer strips along all watercourses within the site. The approved Biodiversity Net Gain plan shall be implemented in full in accordance with the scheme's timing/phasing arrangements. (N.B. an updated metric calculation is NOT required).

Processing Plant

(35) No minerals shall be imported to the site. Prior to three months after completion of extraction at the site, the processing plant shall be removed from the site.

Liaison Group

(36) Prior to the commencement of development, a scheme to establish a site liaison committee that includes representatives of the Quarry Operator, the Minerals Planning Authority, Ashton Keynes Parish Council and any other person/body deemed appropriate to attend by a majority of these three bodies, shall be submitted to the Mineral Planning Authority for approval. The functions of the Committee shall include the discussion of site operations, restoration, and traffic movements. The Quarry Operator shall convene meetings at intervals of at least three months or as may otherwise be agreed with the Minerals Planning Authority, shall keep a record of the proceedings and shall distribute copies of that record to each organisation and individual invited to attend and in a timely manner.

Duration of Development

(37) Extraction of minerals shall cease within 6 years of the notified date of commencement of the development and the site shall be restored in accordance

with the updated Restoration Plan to be approved under Condition 32 above and within 9 years of the notified date of commencement.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson of Counsel

He called

Andrew Burgess

Fiona Elphick

Brett Warren

Andrew Burgess Planning

Ecologist, Wiltshire Council

Environmental Health Officer, Wiltshire Council

FOR THE APPELLANT:

Neil Cameron, Kings Counsel

He called

Kevin Argent

Clive Carpenter

Jeremy P Hurlstone

Dr Stephen Dangerfield

Dr Robert Storey

Peter Wilsdon

David Jarvis Associates

GWP Consultants, Water Resources and Climate Resilience, Hydrogeology

The Hurlstone Partnership, Highways

Malford Environmental Consulting

WBM Acoustic Consultants

David Jarvis Associates, Planning

FOR ASHTON KEYNES PARISH COUNCIL

Katey Grieves, Solicitor and Parish Clerk

She called

Malcolm Carter

Glen Chapman

Natacha Inzani

Mike McMurty

Clive Rivers

David Wingrove

Flooding

Legal matters

Ecology and Planning weight

Noise and Dust

Hydrogeology

Transport

OTHER INTERESTED PERSONS:

Bridget Batchelor

Chuck Berry

Peter Brailey

Graham Carter

Susan Hartshorne

Mr MBJ Low

Catherine Mc Murty

Richard Howell

Neil Selling

Karen Shaw

Local resident

Local Councillor

Local landowner

Local resident

Local Resident

Local Resident

Interested person

Interested person

Interested person

STATEMENTS SUBMITTED BY INTERESTED PERSONS

Statement submitted by Susan Hartshorne
Statement submitted by Richard Howell
Statement submitted by Neil Selling
Statement submitted by Catherine McMurtry
Statement submitted by MJB Low
Statement submitted by Bridget Batchelor
Statement from Roz Savage MP
Statement from Stacey Booth
Statement from Pauline Loveday
Statement from Peter Golding
Statement from Michelle and Kevin Halpin
Statement from Doug Yarrow
Statement from Sara Branscomb

DOCUMENTS SUBMITTED BY THE APPELLANT

Appellant's Opening Submissions
Appellant's Supplementary Noise Calculations
Noise SoCG of 17/10/2024 between Appellant and Peter Brailey
Appellant's Note on Contingency
Response of 18/10/2024 to Clive River's Statement on Hydrogeology by Clive Carpenter
Dr S Dangerfield's Statement on the Barbary Carpet Moth
Email of 02/08/2023 from Ananda Hall (Wiltshire Highways) to Jeremy Hurlstone
Response of 22/10/2024 by Clive Carpenter to Clive Rivers' Further Statement of 17/10/2024
Closing Submissions on behalf of the Appellant

DOCUMENTS SUBMITTED BY WILTSHIRE COUNCIL

Council's Opening Statement
Council's timeline concerning procedural matters raised by AKPC
Email trail between Councillor Berry and Wiltshire Council about the consultation process
Copy of the notice of 11 July 2024, informing interested persons that additional information has been submitted with the appeal
Copy of the notice of 13 August 2024, informing interested parties about the arrangements for the Inquiry
Agreed conditions

DOCUMENTS SUBMITTED BY ASHTON KEYNES PARISH COUNCIL

Opening Statement
Statements of objection
Analysis of Wiltshire Council's withdrawal from the proceedings
Wiltshire and Swindon Aggregate Minerals Site Allocations Plan, Adoption Report
Wiltshire and Swindon Aggregate Minerals Site Allocations Plan, 'Clarification on Zone of Sensitivity'
Statement on flooding (Malcolm Carter)

Appeal ref: APP/Y3940/W/15/3133451, Wheatley's Farm, High Road, Ashton Keynes. Swindon
Statement of areas of disagreement on flooding (17/10/2024)
Kempsford Quarry, Hydrogeological Risk Assessment
Summary of Benefits and Adverse Effects
Closing Statement
Observations in response to the correspondence resulting from the Inspector's Post Inquiry Highways Questions

POST INQUIRY DOCUMENTS

Appellant's observations on AKPC's proposed amendments to the Conditions.
Inspector's Post Inquiry note on Highway Matters (29/10/2024)
Response from the Hurlstone Partnership on behalf of the Appellant (04/11/2024)
Endorsement of the Hurlstone report from Christopher Mead on behalf of Wiltshire Council (04/11/2024)
Observations on the Hurlstone report from Bridget Batchelor (20/11/2024)
Observations on the Hurlstone report from AKPC (Malcolm Carter 04/12/2024)
Observations on the Hurlstone report from AKPC (Dave Wingrove undated)
Statement from Christopher Mead (12/12/2024) in response to the Inspector's highway questions
Letter from the Hurlstone Partnership (13/12/2024) commenting on AKPC's response to its report
Correspondence between the Inspector and the parties about the ramifications of the proposals for the weight restrictions on High Road
Letter from the Inspector (20/12/2024) to Wiltshire Council, requesting it to review the highway conditions.
Letter from Roz Savage MP (20/12/2024) about the National Flood Risk Update
Response to Roz Savage's letter from the Environment Agency (17/12/2024)
Observations from Christopher Mead on the Inspector's suggested revised highway conditions (03 & 19/02/2025)

AERIAL PHOTOGRAPHS/PLANS

Aerial photograph showing the inter-relationship between the appeal site and the Millenium Green, in the context of the Barberry Carpet Moth, submitted by AKPC
Undated aerial photograph showing the extent of flooding in the vicinity of the appeal site
Aerial photograph indicating locations to be visited on the accompanied site visit
Plan of features to be inspected on accompanied site visit
Annotated plan of highway hot spots to be visited on the accompanied site visit, submitted by Bridget Batchelor

CORE DOCUMENTS LIST

CD1 Application Documents and Plans

- 1.1 Cover Letter
- 1.2 Application Form
- 1.3 Planning/Design and Access Statement
- 1.4 Statement of Community Involvement
- 1.5 Landscape and Ecological Management and Maintenance Plan
- 1.6 Soil Handling Strategy
- 1.7 Report on Mineral Resources and Quarry Development
- 1.8 Shadow Habitats Regulation Assessment
- 1.9 Biodiversity Net Gain Metric (Excel spreadsheet)
- 1.10 Drawing No. 2675-4-1-1 DR-0001 – Site Location Plan
- 1.11 Drawing No. 2675-4-1-1 DR-0002 – Site Layout
- 1.12 Drawing No. 2675-4-1-1-DR-0003 Stage 1 – Initial Works
- 1.13 Drawing No. 2675-4-1-1-DR-0004 Stage 2 – Phase 2 Extraction
- 1.14 Drawing No. 2675-4-1-1-DR-0005 Stage 3 – Phase 2a Extraction
- 1.15 Drawing No. 2675-4-1-1-DR-0006 Stage 4 – Phase 3 Extraction
- 1.16 Drawing No. 2675-4-1-1-DR-0007 Stage 5 – Phase 4 & 5 Extraction
- 1.17 Drawing No. 2675-4-1-1-DR-0008 Restoration
- 1.18 Access Arrangements
- 1.19 Swept Path Analysis
- 1.20 Vol I: Environmental Statement Non-Technical Summary
- 1.21 Vol II: Environmental Statement Text
- 1.22 ES Figures (Drawing Nos DR0001 – 0007)
- 1.23 ES Appendix 1 – Ecological Impact Assessment
- 1.24 ES Appendix 2 – Impact Assessment on Agricultural Land Quality and Soil Resources
- 1.25 ES Appendix 3 – Hydrological and Hydrogeological Environmental Impact and Flood Risk Assessment (Parts i, ii, iii and iv)
- 1.26 ES Appendix 4 – Air Quality Assessment
- 1.27 ES Appendix 5 – Heritage Impact Assessment

- 1.28 ES Appendix 6 – Landscape and Visual Impact Assessment (parts i, ii and iii)
- 1.29 ES Appendix 7 – Noise Assessment
- 1.30 ES Appendix 8 – Transport Statement
- 1.31 ES Appendix 9 – Health Impact Assessment Screening
- 1.32 EcIA Addendum – Bat Survey, May 202

CD2 Additional/mended Reports and/or Plans submitted after validation

- 2.1 ES Addendum – Response to Consultees, Dec 2023
- 2.2 Wheatleys Farm Quarry Otter Survey Report
- 2.3 Revised Hydrological and Hydrogeological Environmental Impact and Flood Risk Assessment
- 2.4 Revised Landscape and Ecological Management and Maintenance Plan
- 2.5 Revised Soil Handling Strategy
- 2.6 Drawing No 2675-4-1-1 DR0012 – Screening Landform Specifications
- 2.7 Revised ES Appendix 2 – Impact Assessment on Agricultural Land Quality and Soil Resources
- 2.8 Flood Risk Sequential Test

CD3 Officer’s Report and Decision Notice

- 3.1 Officer’s Delegated Report, 11th January 2024
- 3.2 Decision Notice, 11th January 2024
- 3.3 Previous Application Decision Notice, 20th May 2022

CD4 The Development Plan

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Wiltshire and Swindon Minerals Core Strategy, 2009
- 4.3 Wiltshire and Swindon Minerals Development Control Policies Development Plan Document, 2009
- 4.4 Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan(MSALP), 2013
- 4.5 Wiltshire and Swindon Local Aggregate Assessment 2022 (published December 2023)
- 4.6 MSALP Summary of Minerals Site Appraisal Matrices, 2011 - Extract

4.7 Wiltshire Waste Core Strategy, July 2009

4.8 Wiltshire Core Strategy, January 2015_Extracts

4.9 Ashton Keynes Neighbourhood Plan 2015 – 2026, Made May 2017

4.10 Inspector's Report – Aggregate Mineral Site Allocations, 2013CD5 Statutory Consultation Responses to Original Submission

CD5 Statutory Consultation Responses to original Submission

5.1 Ashton Keynes PC Comments

5.2 Conservation Officer Comments

5.3 Drainage Comments

5.4 Ecology Comments

5.5 Environment Agency Comments

5.6 Landscape Comments

5.7 Leigh PC Comments

5.8 PRow Comments

5.9 Public Protection Comments

5.10 South Cerney PC Comments

5.11 Natural England Comments

5.12 MOD Comments

CD6 Third Party Consultation Responses

6.1 Compiled Third Party Responses

CD7 Appellant's Appeal Documents

7.1 Statement of Case

7.2 Planning Proof of Evidence of Peter Wilsdon

7.3 Summary Planning Proof of Evidence of Peter Wilsdon

7.4 Built Heritage Statement, April 2024

CD8 MPA's Appeal Documents

8.1 Statement of Case

8.2 Environment Agency Comments on Additional Information

8.3 Natural England Comments on Additional Information

8.4 Environmental Agency Correspondence dated 01/10/24

CD9 Statements of Common Ground

9.1 Planning Statement of Common Ground

9.2 Noise Statement of Common Ground

9.3 Landscape Statement of Common Ground

9.4 Ecology Statement of Common Ground

CD10 Interested Parties Comments

10.1 A_Surnames

10.2 B_Surnames

10.3 C_Surnames

10.4 D_Surnames

10.5 E_Surname

10.6 F_Surnames

10.7 G_Surnames

10.8 H_Surnames

10.9 K_Surnames

10.10 L_Surnames

10.11 M_Surnames

10.12 N_Surnames

10.13 O_Surnames

10.14 P_Surnames

10.15 R_Surnames

10.16 S_Surnames

10.17 T_Surnames

10.18 W_Surnames

CD11 Other Documents

11.1 Pre-Application Advice received in 2017

11.2 Ridge and Furrow Technical Note

11.3 Noise Technical Note

11.4 Draft Conditions following EA response

11.5 Noise Comparison Table

11.6 Email dated 13/08/24 between WBM Acoustic Consultants and Wiltshire EHO

11.7 Town and Country Planning EIA Regulations 2017

CD12 Relevant Appeal Decisions and Court Cases

12.1 Vistry Homes v. Secretary of State [2024] EWHC 2088 (Admin) (paragraphs 150-154)

12.2 NRS Saredon Aggregates v. Secretary of State [2024] Env LR 18 at paragraph 56

12.3 Poole v Secretary of State for Communities and Local Government

12.4 Davies v Secretary of State [2008] [2008] EWHC2223 (Admin)

12.5 Mount Cook v Westminster CC [2017] P.T.S.R. 1166