Monitoring of Mineral and Landfill Planning Permissions

Report for
Callywith Quarry Roselands Lane Bodmin
On 20th October 2011

Report Summary

Number of Conditions

Development was not considered to be compliant with the condition at the time of the site monitoring visit. Furthermore it is considered that there is an urgent need to remedy this breach due to the potential risk and/or consequences to the environment or amenity. It is therefore concluded that steps should be undertaken without further delay to remedy this breach. Appropriate enforcement action is likely to be expedient should non-compliance with this condition continue.

Development was not considered to be compliant with the condition at the time of the site monitoring visit and/or there are outstanding matters which remain to be resolved at this time by the operator or this Authority. Any continued non-compliance or breach of this condition may result in the instigation of enforcement action.

Development was considered to be compliant with the relevant planning condition at the time of the site monitoring visit although some minor works may be required.
1. Introduction

This report is a document produced by Cornwall Council’s Natural Resources Team. It relates to a site visit to monitor compliance with a planning permission and legal agreement for a minerals / waste site under relevant requirements of the Planning and Compulsory Purchase Act 2004.  

Disclaimer

It should be noted that apparent compliance with any condition at the time of a site monitoring visit by this Authority does not preclude the Authority from instigating enforcement action where any activity being undertaken is subsequently considered to be in breach of a condition or presents a risk of damage or disturbance to the environment or amenity. Any additional site monitoring visit required as a result of non-compliance with a planning condition may result in an additional site monitoring fee being levied.

Traffic Lights

For ease of reference the Authority has adopted a ‘traffic light’ system to illustrate the level of compliance with each requisite planning condition. The colour coding is based on the following criteria;

Green    development was considered to be compliant with the relevant planning condition at the time of the site monitoring visit although some minor works may be required.

Amber  development was not considered to be compliant with the condition at the time of the site monitoring visit and/or there are outstanding matters which remain to be resolved at this time by the operator or this Authority. Any continued non-compliance or breach of this condition may result in the instigation of enforcement action.

Red       development was not considered to be compliant with the condition at the time of the site monitoring visit. Furthermore it is considered that there is an urgent need to remedy this breach due to the potential risk and/or consequences to the environment or amenity. It is therefore concluded that steps should be undertaken without further delay to remedy this breach. Appropriate enforcement action is likely to be expedient should non-compliance with this condition continue.

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1 The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006 came into force on 6th April 2006. These Regulations are made under Section 303 of the Town and Country Planning Act 1990, as amended by Section 53 of the Planning and Compulsory Purchase Act 2004.
2. Details of Site Monitoring Visit

Site Name and Address: **Callywith Quarry** Roselands Lane Bodmin

Planning Permission(s): **NC51(6)** Application to vary Condition 21 of Decision Reference 2001/0420/OCM[NC51(5)] to permit importation of subsoil and topsoil for restoration purposes. - Approved on 25/05/2006

Legal Agreement(s): None...

Operator: Mr J Stephens

Site Status: Active site (Min/Was)

Type of Visit: Planning Conditions Monitoring - Announced

Visiting Officer/s: Mr M Butfield, Development Officer, Natural Resources Team, Cornwall Council

Date of Visit: 20th October 2011

Time on Site: 1030...

Time off Site: 1240..

Attendees: Mr J Stephens, Quarry owner...

Weather: Overcast with light winds...

Ground Conditions: Damp following recent rain...

Report Author: Mr M Butfield
3. Compliance with Planning Conditions
NR/06/00195/SEC73 dated 25/05/2006

**Condition Number and Description**
**Condition 1. Commencement**

The development hereby permitted shall be begun not later than the expiration of five years beginning with the date hereof. The Mineral Planning Authority (MPA) shall be notified of the start date in writing within 7 days of such commencement.

**Notes Following Visit**
The development has previously been recorded as having commenced following a site visit dated 8th August 01.

**Condition Number and Description**
**Condition 2. Duration**

The development hereby permitted shall cease on or before 31st March 2016. Unless planning permission has been granted for a continuation of the operations beyond this period, all the operations and uses hereby approved shall be discontinued on or before this date, all plant, machinery and temporary buildings removed and the land reinstated in accordance with the further conditions below.

**Notes Following Visit**
This condition is Post Dated until the 31st March 2016. It has been recognised that the time limitation imposed by this condition might not allow the approved phased working and restoration to be fully completed at the current rate of extraction and therefore future consideration might need to be given to applying for an extension of the time limit imposed by this condition.

**Condition Number and Description**
**Condition 3. Extent of Permission**

All quarrying operations shall be limited to the area edged red and vertically hatched on the Site Plan - Drawing No. 0012/3.

**Notes Following Visit**
All operations currently being undertaken at this quarry are acknowledged to be taking place within the approved area identified on Drawing No 0012/3. Extraction is currently being undertaken on two levels in a westerly direction as shown in the picture below, while a third face is being worked in a similar direction from a point further east. These works are tasking place in the phase D area.
**Condition Number and Description**

**Condition 4. Extent of Permission modifications**

Except as may otherwise be agreed with the MPA, the site shall be developed in accordance with the submitted plans Drawing Nos. 0012/3, CAD/0012/02, CAD/0012/1, BMW 2009 except where modified by accompanying conditions.

**Notes Following Visit**
The development of the quarry is being undertaken in accordance with the approved drawings and quarrying is currently taking place in the phase D area. The following picture shows the current working area as viewed from an easterly direction.

![Quarry working area](image)

**Condition Number and Description**

**Condition 5. Phasing**

Except as may otherwise be agreed with the MPA, the extension area hereby approved shall be divided into separate phases A to F (inclusive) as indicated on Drawing No. 0012/3. The extraction within the new extension area shall be carried out in strict alphabetical sequence in accordance with the phases detailed below except as may otherwise be agreed in writing with the MPA.

**Phase A**

There shall be no quarrying works (including topsoil stripping) within the Phase A area until (i) the operators have physically delineated the boundaries of Phase A by means of post and wire fences and (ii) the MPA have agreed in writing that sufficient progressive restoration works have been completed within the worked out portions of the quarry that lie to the north west of Penbugle Lane. Such agreement shall take account of the quality and quantity of restoration completed and such restoration shall have been undertaken in accordance with a scheme to be agreed with the MPA.

**Phases B - F**

Phases B - F of the extension area hereby approved shall be developed similarly to those of Phases A detailed above. In each case there shall be no quarrying works (including topsoil stripping) within any of the Phases B - F (inclusive) until each Phase has been physically delineated...
by means of post and wire fence boundaries. Furthermore there shall be no quarrying works (including soil stripping) within each of the subsequent Phases until agreed in writing by the MPA. Such agreement will take account of the quality and quantity of restoration within the worked out portions of the quarry and such restoration shall have been undertaken in accordance with a scheme to be agreed with the MPA. The development of the phasing shall be in strict alphabetical sequence.

Notes Following Visit
Extraction is currently being undertaken in the phase D area. The hedge which defined the start of phase D has been completely removed and the fencing which is required to define the western most extent of Phase D has also been constructed and has previously been identified as being acceptable.

Condition Number and Description
Condition 6. Access and Highway Matters

The access to and from the quarry in connection with the transport of all quarried material shall be obtained from the access shown on the Site Plan - Drawing No. 0012/3.

Notes Following Visit
The access as shown on the approved drawing no. 0012/3 is incomplete in as much as does not connect the working area to the road entrance. However this is the route which is used for the transportation of quarried materials in accordance with this condition. The following picture shows the access road which is hard surfaced and in a good state of repair

Condition Number and Description

The operators shall employ the best practicable means to prevent the deposit of mud, dust, stones or other deleterious material being carried onto the public highway. This may include the provision of wheel cleaning facilities where necessary.

Notes Following Visit
The site access roads was clean and clear of debris at the time of the site visit and it was observed that a section of the access track immediately inside the northern most entrance had been concreted. There is also a water bowser available on site for use in dry condition. The following picture shows...
the main entrance, where it connects with the public highway.

The southern entrance has previously been used for the importation of restoration materials and has been hard surfaced with compacted stone. This entrance was in use by a vehicle importing restoration soils and was also observed to be clean and clear of debris.

**Condition Number and Description**

Condition 8. Hours of Operation for Quarrying Work

Except for routine plant maintenance or as may otherwise be agreed in writing with the MPA, no operations authorised or required under this permission shall be carried out on the site except between the following times:

- between 0730 hours and 1700 hours Mondays to Fridays
- between 0730 hours and 1300 hours on Saturdays.

There shall be no working on Sundays, Bank Holidays or Public Holidays.

*Notes Following Visit*

There are no outstanding complaints relating to working hours, so compliance with this condition is therefore recorded.

**Condition Number and Description**

Condition 9. Amenity Protection (general)

All practicable means shall be employed by the operators for preventing and minimising the emission of dust and fumes, smoke, smell or the creation of noise during the approved use of the site. The word ‘practicable’ and the phrase ‘practicable means’ in these conditions shall have the meanings assigned to them in Section 79(9) of the Environmental Protection Act 1990 as defined below.

The provisions of this condition include the installation and maintenance of silencers on all plant and machinery to the manufacturer’s recommended specification.
Notes Following Visit
There were three swing shovels actively engaged in extracting and sorting stone within the quarry void at the time of my visit. All machinery appeared to be fitted with approved silencers and all other emissions appeared to be kept to a minimum. There are no outstanding complaints regarding any impacts identified by condition.

Condition Number and Description
Condition 10. Amenity Protection Dimensions

The rest room, portakabin, ticket office, weighbridge and ancillary developments shall be sited in the area indicated on Drawing No. 0012/3 unless otherwise agreed with the MPA. The dimensions and surface finishes of these structures shall be agreed with the MPA prior to their installation, unless otherwise agreed.

Notes Following Visit
It has previously been acknowledged that these developments are not in the exact location as shown on the approved drawing no. 0012/3. They are however in such close proximity as being recorded as acceptable under permitted development and as such it is considered acceptable for the exact location of these installations to be confirmed when the next review of the site is undertaken. Water that is pumped to these facilities is not discharged from the site but released through means of natural drainage.

Condition Number and Description
Condition 11. Plant and Machinery

Notwithstanding the provisions of the Town and Country Planning (General Development Permitted Development) Order 1995, no additional plant, machinery or buildings shall be erected on the operational area without the prior written agreement of the MPA. Details of any fixed plant and machinery and buildings to be erected within the operational area shall be agreed with the MPA prior to installation. Details shall include design, dimensions, cladding, noise and dust suppression measures.

Notes FollowingVisit
There has been no unauthorised development within the site other than that which has previously been approved.

Condition Number and Description
Condition 12. Plant and Machinery Lighting

There shall be no floodlighting of the operational area except as may be agreed with the MPA.

Notes Following Visit
There are no outstanding complaints regarding lighting at this site and no fixed lighting was observed on site during this visit.

Condition Number and Description
Condition 13. Noise (Specific)

The noise level attributable to the approved quarrying operations shall not exceed the level of 55 dB LA eq (1 hour) as measured freefield at the nearest occupied dwelling.

Notes Following Visit
There are no outstanding complaints regarding noise at this site and no significant noise was experienced during this visit. Compliance with this condition is therefore recorded.

Condition Number and Description
Condition 14. Noise (Specific) Complaint
Where the MPA notifies the operator that it has received a complaint about noise which is attributable to operations within the site, the operators shall be required to undertake self monitoring of noise levels and operations (in accordance with a specification to be agreed with the MPA) to demonstrate compliance with this condition.

**Notes Following Visit**
Records show that there are no outstanding noise complaints relating to this operation. Therefore there is no requirement for the operator to undertake any further action in respect of this condition at this time.

**Condition Number and Description**
Condition 15. Dust (Specific)

The operators shall employ measures to minimise the emission of dust from the approved development. Such measures shall include water spraying of access and haul roads and stripped areas to suppress dust in periods of prolonged dry weather and the suppression equipment shall be thereafter maintained in accordance with the manufacturer’s instructions for the duration of this permission.

**Notes Following Visit**
There are no outstanding complaints regarding dust at this site.
The haul road was in a good condition and was damp at the time of the site inspection.
There is a water bowser available on site for use whenever required.

**Condition Number and Description**
Condition 16. Stockpiling

There shall be no stockpiling of any materials either for sale or waste rock, subsoil or topsoil on the undisturbed portions of the site (i.e. Phase areas A to F inclusive) or on areas which have undergone restoration. All stockpiling shall be confined to quarried portions of the operational area in accordance with details to be agreed with the MPA.

**Notes Following Visit**
No stockpiled material was observed to be stored on any undisturbed or restored areas within the site.
Waste material is taken directly to the current restoration area which is phase B.

**Condition Number and Description**
Condition 17. Blasting

There shall be no blasting at the quarry except with the prior written agreement of the MPA.

**Notes Following Visit**
Written agreement has been obtained from the MPA on 28th April 2009 to allow blasting to be undertaken at the site in accordance with identified limits.
There are no outstanding complaints regarding blasting at this quarry.

**Condition Number and Description**
Condition 18. Drainage

All quarry washings and run off from disturbed areas and quarry tracks shall be confined within settlement lagoons before discharge to any watercourses. The design and location of such lagoons shall be in accordance with details to be agreed with the MPA.

**Notes Following Visit**
There are six settlement lagoons as identified on the approved drawing No 0012/3.
Lagoons 1 & 2 are no longer in use as the quarrying area has progressed in a westerly direction. A recent geotechnical survey has shown that an area on the northern side of the haul road which was previously excavated to create one of the now redundant lagoons may require to be back filled as it is no longer required. It is acknowledged that this lagoon is no longer required and is no longer in use so if it were to be lost, it would have little consequence.
Lagoons 4, 5 and 6 have now been developed at the western end of the permission area and are in use. Water levels in these were very low and little water was observed within the extraction area.

**Condition Number and Description**
Condition 19. Drainage Exception

Except as may otherwise be agreed in writing with the MPA, no excavations shall be undertaken below the highest winter water table.

**Notes Following Visit**
Extraction at this time is not thought to exceed the approved levels as shown on CAD Drawing 0012/02, which is not understood to have reached the winter highest water table.

**Condition Number and Description**
Condition 20. Retention of Trees/ Hedges

There shall be no tree felling in connection with this permission and no damage or undue disturbance to the Cornish hedges which bound the operational area (apart from the sections of hedge coloured purple required to be removed to facilitate the approved quarry extension area). Any such hedge removal shall not take place during the bird nesting season (i.e. from March to September inclusive).

**Notes Following Visit**
There are understood to have been no clearance operations conducted outside of the identified nesting season. The clearance of the hedge D was previously conducted prior to the nesting season and has since been completely removed.

**Condition Number and Description**
Condition 21. Site Control

Subsoil and topsoil are permitted to be imported to the site in order to achieve approved levels and restoration in accordance with the provisions of conditions 5 and 24. A maximum of 2,500 cubic metres of subsoil/topsoil shall be imported per annum. The operators shall keep records of all
importations and shall make such records available to the MPA on request.

**Notes Following Visit**
Limited amounts of soil have previously been imported to allow the required restoration of the site to be achieved. It is acknowledged that further top soil will still be required to complete the approved restoration of the quarry. The amounts of imported material are not thought to be excessive and as such the records of importation were not inspected during this visit.

**Condition Number and Description**
Condition 22. Landscaping and Restoration

All available topsoil shall be stripped from the extension area phases prior to quarrying in accordance with the phasing set out in Condition No. 5.
Topsoil shall be conserved for future use in landscaping and restoration and shall be stored in accordance with details to be agreed with the MPA.

**Notes Following Visit**
All restoration material arising from extraction is taken directly to the restoration site for distribution, rather than being stored. This is because the amount of material available at any one time, has to be supplemented by importing additional soil material to enable the approved restoration to be completed. The importation of additional material for this purpose has previously been approved by the MPA.

**Condition Number and Description**
Condition 23. Landscaping and Restoration - Noxious Weeds

During the operation of the site and aftercare period noxious weeds, in particular Ragwort and Japanese Knotweed, shall not be allowed to colonise the site, including the associated bunding. Recognised control measures shall be implemented as soon as is practicable following initial infestation and shall continue until clearance is achieved.

**Notes Following Visit**
A significant section of the restored area of the quarry is now used for grazing horses and as such the operator undertakes a regular inspection to ensure that any weed infestation is removed or treated immediately. No noxious weeds were observed within either the quarry or on any of the previously restored areas.

**Condition Number and Description**
Condition 24. Landscaping and Restoration - Large Objects

Except as may otherwise be agreed with the MPA, the top 0.7m of all landscaped areas shall be free from large objects exceeding 150 mm in size likely to impede plant growth and shall be covered with 300 mm of subsoil. The final layer shall comprise topsoils to a minimum depth of 225 mm unless otherwise agreed. The finished surface shall be seeded to grass. Progressive restoration shall proceed in accordance with the provisions of Condition No. 5 with topsoiling and seeding taking place when backfilled areas reach the approved levels.

**Notes Following Visit**
The restored sections of the site have been returned to pasture land and Gardens of a very high standard with no indication of any protruding surface objects or large stones.

**Condition Number and Description**
Condition 25. Landscaping and Restoration - Development Phase B

Except as may otherwise be agreed with the MPA, there shall be no development within the Phase B area, including topsoil stripping, until the bund coloured greed on the approved plan has been constructed in accordance with details to be agreed with the MPA.

**Notes Following Visit**
The bund has been created and planted in accordance with the approved scheme and the western most section of the bund is shown in the following picture. Damage has occurred from grazing deer in two particular sections but the plants are recovering well and continuing to develop a good screen.

Condition Number and Description
Condition 26. Landscaping and Restoration - Development Phase B Specific

Except as may otherwise be agreed with the MPA, there shall be no development within the Phase B area, including topsoil stripping, until the area hatched purple has been tree planted in accordance with a scheme to be agreed with the MPA. The scheme shall specify precise areas of planting, sizes, species, spacing and ground preparation. The trees shall be maintained in accordance with the principles of good sylviculture for the duration of this permission.

Notes Following Visit
It has transpired that the area which was previously identified as being coloured purple on drawing No 0012/3 which was required to be planted actually encroaches largely on an existing woodland area and as such further planting in this area would not be productive. This leaves an available width of some 28 metres where as the drawing indicates an area in excess of 50 metres wide.

The situation has been further compounded by the fact that the majority of the remaining area has since been developed to accommodate the 3 approved settlement lagoons. It is therefore considered that following the completion of the lagoon system, it would be more appropriate to plant the available surrounding land formation to provide the required screening which will then be enhanced by the fact that it will be located on higher ground which will reduce the amount of time required to achieve the necessary screening obtained through plant growth. This area has now been planted with a mixture of Poplar and willow as shown in the picture below and the success of this planting will continue to be monitored during future visits.
Condition Number and Description
Condition 27. Restoration of the Excavation

Restoration of the remaining excavation
On completion of the quarrying operations hereby approved, the remaining excavated area shall be treated and restored for amenity purposes in accordance with a scheme to be agreed with the MPA.
Such a scheme shall include measures to rehabilitate the quarry floor, treatment of quarry faces, former plant areas and access roads. All plant, machinery, buildings and stockpiles shall be removed. The restored areas shall be subject to a programme of aftercare in accordance with details to be agreed with the MPA.

Notes Following Visit
This is a Post Dated Condition as the quarry remains operational.
4. Legal Agreements
None
5. Comments
None
6. Noise Monitoring Results
None
7. Blast Monitoring Results
None
8. Dust Monitoring Results
None
9. Other Matters
None
10. Issues to be Addressed

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11. Summary

Callywith Quarry is located on the north side of the town of Bodmin and is predominantly surrounded by Woodland and fields. The extraction of stone at the quarry is conducted in a westerly direction in accordance with an agreed phasing scheme, identified by letters from A to F.

The eastern most section of the quarry has previously been restored to both garden and pasture which is being grazed and cropped for hay.

The current area of extraction is largely taking place within phase D. Restoration works continue to be carried out to complete phase B and the required fencing to establish the limitations of phase D has also been installed.

As highlighted in the report, it has been noted that the life span of the existing permission might not be sufficient to allow the previously approved works to be fully implemented prior to the expiry date of the permission and therefore the operator will need to consider whether to seek an extension of time for the current permission or to renew the existing permission in March 2016.

There are no outstanding complaints regarding any matters at this site and the site appears to be both well run and managed with an exemplary restoration programme which has been steadily progressing as the site continues to be developed.