

## Monitoring of Mining and Landfill Sites

Old Morteohoe Quarry

10 June 2016

**Report prepared by Devon County Council**

Section 303 of the Town & Country Planning Act 1990  
as amended by the  
Section 53 of the Planning and Compulsory Purchase Act 2004

Town & Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012  
as amended

**Note:**

The information in this report/certificate reflects only those matters that were discussed at the Monitoring Visit. While every attempt has been made to make the Visit, Report and Certificate as comprehensive as possible, there can be no guarantee that all the requirements or obligations of the planning permission(s), approved scheme(s) and legal requirement(s) that may exist at the site have been included. The absence of any such obligation or requirement in the report and certificate cannot, therefore, be used as an indication of compliance.

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# MONITORING OF MINING AND LANDFILL SITES IN DEVON

<b>Name of Site:</b>	Old Morteheo Quarry (501001)	
<b>Location</b>	<b>Old Morteheo Quarry Combesgate Valley Morteheo EX34 7DY</b>	<b>Easting:</b> 245957 <b>Northing:</b> 144940
<b>Operator</b>	The National Trust	
<b>Contact(s)</b>	Jonathan Fairhurst (National Trust)	
<b>Date of Visit</b>	10 June 2016	
<b>Time of Visit</b>	11.00 → 11.30	
<b>Weather Conditions (if relevant)</b>	Overcast	
<b>Type of Inspection</b>	Scheduled Monitoring Visit	
<b>Date of Notification (If Scheduled Visit)</b>	<b>Date:</b> 10 May 2016	
<b>Description of Visit</b>	Scheduled Monitoring Visit	
<b>Monitoring Officer(s)</b>	<b>Name:</b> Stephen Boundy	<b>Title:</b> Graduate Planning Officer
<b>Operator Representative(s)</b>	<b>Name:</b> Mr Jonathan Fairhurst	<b>Title:</b> Lead Ranger (National Trust)
<b>Draft Report Details</b>	<b>Written:</b> 14 June 2016	<b>Sent:</b> 21 June 2016

## PLANNING HISTORY

Application Number	Date	Description	Comments
DCC/3564/2013	21/11/2013	Proposed: The continuation of quarrying for Morte Slate to obtain walling stone for repair of walls and banks on the National Trust Morte property, plus wider use outside of National Trust owned land but within Morteheoe parish boundary.	This is the permission being monitored.
DCC/2698/2008	11/11/2008	To open up the old quarry above Morteheoe overlooking Combesgate Valley in order to obtain walling stone (Morte slate) to repair stone walls and banks on The National Trust's Morte property.	Temporary permission expired.

## CURRENT SITUATION

Prior to this visit, the site was last monitored in December 2013. Since this visit it appears that little has changed as the quarry can only be worked for a single 7 day period (between October and February) in any one year. In addition to this, the amount of quarried stone extracted from the site per year is limited to 50 tonnes maximum.

At present there are two small stockpiles of quarried material located to the left and right of the quarry face that is being worked. The stock proof fence constructed around the perimeter of the quarry has been recently damaged by livestock. Whilst it is likely that at present this fence is still functional, repair work will need to be undertaken as soon as practically possible to ensure that livestock are kept out of the quarry and that the condition of the fence does not further deteriorate. The operator stated that in the past financial year approximately 20 tonnes were extracted from the quarry. This is significantly below the 50 tonne maximum allowed.

It appears that the quarrying operations are being undertaken in accordance with planning permission reference DCC/3564/2013 and the conditions attached to this permission. It should be noted that no complaints have been received relating to this site.

## PLANNING CONDITIONS

The following tables contain details of all those conditions, together with any requirements and obligations of any Approved Schemes and Planning Agreements that were the subject of discussion at the monitoring meeting.

These fall into one of three categories:

**Green** monitoring requirements

**Work carried out/condition discharged.**  
(Requirements Carried Out)

This identifies certain ongoing activities that fulfil the requirements of planning conditions, and those conditions that have been complied with by the required deadline or as a result of earlier monitoring exercises.

The table specifies what was required to be carried out and gives a brief description of how compliance was achieved.

**Amber** monitoring comments

**Work Required.**  
(Requirements Needing Action within a Specified Period)

Undertaking compliance with the identified conditions were agreed at the monitoring meeting be considered as a priority as compliance is either required within a nearby deadline, before parts of the development can be undertaken, or involve parts of the development that will be required to be addressed in the near future (within the next 12 months).

The table identifies the condition, the reason the condition has not yet been complied with and the course of action agreed at the monitoring meeting (or if there was no agreement reached, the County Council's required course of action).

**Red** monitoring comments

**Non Compliance.**  
(Requirements Needing Immediate Compliance)

These are failures to comply with a planning condition, agreement or obligation and must be dealt with as a priority as failure to comply with the requirement can lead to possible enforcement action. (A monitoring report containing a red comment can prejudice ISO 14001 or EMAS accreditation).

The table identifies the condition, the reason for non-compliance and the course of action agreed at the monitoring meeting (or if there was no agreement reached, the County Council's required course of action).

Where there is a red warning on a specific condition it means that the County Council requires compliance for environmental or legal reasons and will state, on the monitoring report the date by which compliance should be reached and, if appropriate the steps agreed with the operator to undertake compliance. **If these timescales are not met and no other agreement has been reached with the County Council then this may result in automatic action to achieve compliance.**

Old Mortehoe Quarry (10 June 2016) – Conditions Monitoring Schedule

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## CONDITIONS, SCHEMES AND S106 MONITORING

### Have any complaints been received in the last 12 months?

No.

**Non Compliance**

N/a

## Work Required

**Application Number: DCC/3564/2013**

**Condition Number: 14.**

**Compliance Status:** Work is required within the next 12 months (see comments below).

**Condition:**

Post and wire fencing and chestnut paling gates with a maximum height of 1.5 metres shall be provided in the location shown in green on Site Layout Plan 4 Revision A. The fencing and gates shall be stock-proof and maintained to ensure that stock are excluded from the enclosed area.

REASON: To ensure the safety of members of the public and minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policies DVS4 and ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

On the date of the visit a section of the post and wire fencing had been recently damaged by livestock. This condition requires the maintenance of the fencing to ensure that livestock are excluded from the enclosed quarry area. This damaged section of fencing will need to be repaired as soon as practically possible to ensure that it remains stock proof and compliant with this condition.

## Work Carried Out/ Condition Discharged

**Application Number: DCC/3564/2013**

**Condition Number: 2.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

The development shall be carried out in strict accordance with the details shown on the approved drawings ref. mortehoe quarry PP plan 22/10/2013, Site Plan 2, Working Plan 3 Revision A and Site Layout Plan 4 Revision A.

REASON: To enable the Mineral Planning Authority to control the development in order to minimise its impact on the Area of Outstanding Natural Beauty, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The development appears to have been carried out in accordance with the approved drawings/plans.

**Application Number: DCC/3564/2013**

**Condition Number: 3.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

Notwithstanding the provisions of Parts 19, 21 and 23 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking, re-enacting or modifying that Order), which relate respectively to development ancillary to mining operations, waste tipping at mines and removal of material from mineral working deposits, no such 'permitted development' shall take place within the site without prior planning permission from the Mineral Planning Authority.

REASON: To enable the Mineral Planning Authority to adequately control the development according to the submitted application and approved details, to minimise disturbance from the development and to protect the character of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 4.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No operations shall take place and no material shall be stored outside the fenced area marked in green on Site Layout Plan 4 Revision A.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

Material is being stored within the fenced area marked green on Site Layout Plan 4 Revision A. There is no evidence that operations have taken place outside of this area.

**Application Number: DCC/3564/2013**

**Condition Number: 5.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

The total amount of quarried stone extracted from the site shall not exceed 50 tonnes in any financial year.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty and the local highway network, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policies ENV2 and TRA6 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

This appears to be being complied with. The operator stated that approximately 20 tonnes were removed in the past financial year.

**Application Number: DCC/3564/2013**

**Condition Number: 6.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

Within 2 months of the date of this permission, posts shall be erected which mark the distance of 7 metres from the top of the north and east faces of the quarry as they existed prior to the recommencement of working in 2008 (as shown on Site Layout Plan 4 Revision A). These posts shall be maintained in position during the permitted life of the quarry.

No quarrying shall take place within 2 metres to the south and west of the fixed line of posts. There shall be no removal of vegetation or overburden to the north and east of the fixed line of posts.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

It was noted during the visit that these posts remain in place.

**Application Number: DCC/3564/2013**

**Condition Number: 7.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

Winning and working of minerals shall take place in the three phases and in the direction shown on Working Plan 3 Revision A. There shall be no removal of vegetation or overburden in any phase earlier than one month before commencement of working in that Phase.

The operator shall notify the Mineral Planning Authority that it intends to commence working in each new Phase within one month prior to entering into that Phase.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

There is no evidence to suggest that this condition has not been complied with.

**Application Number: DCC/3564/2013**

**Condition Number: 8.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

All stone and material produced from the site shall be used solely for the following purposes:

- (a) for building and walling works on the National Trust's Morte Estate
- (b) for building works within the parish of Morteheo, or
- (c) for repair of listed buildings.



REASON: To minimise the impact of the development on the local highway network in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policy TRA6 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The operator stated that all stone and material produced had been used either on the National Trust's Morte Estate or in the parish of Morteheo. It was observed that some of the stone/material had been used for the repair of field boundary walls immediately adjacent to the quarry.

**Application Number: DCC/3564/2013**

**Condition Number: 9.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No blasting shall be carried out at the site.

REASON: To protect the living conditions of local residents, in accordance with Policy DVS3 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 10.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No operations including the removal of material shall occur other than between 0800 hours and 1700 hours on Mondays to Fridays and at no time on Saturdays, Sundays or Public Holidays.

REASON: To protect the character of the Area of Outstanding Natural Beauty and the living conditions of local residents, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policies DVS3, ENV2 and TRA6 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The operator stated that this condition has been complied with. No complaints have been received by the Mineral Planning Authority that would suggest this is not the case.

**Application Number: DCC/3564/2013**

**Condition Number: 11.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

Rock shall only be extracted from the quarry during a single 7 day period within the period of October to February inclusive in any financial year. During this 7 day period, extraction shall only take place between 0800 and 1700 hours on Mondays to Fridays and at no time on Saturdays, Sundays or Public Holidays.

REASON: To protect the character of the Area of Outstanding Natural Beauty and the living conditions of local residents, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policies DVS3 and ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The operator stated that despite some difficulty due to bad weather, this condition has been complied with. Again, no complaints have been received by the Mineral Planning Authority that would suggest this is not the case.

**Application Number: DCC/3564/2013**

**Condition Number: 12.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

The stockpiles of quarried stone, shillet, soil and subsoil shall be stored within the hatched area shown on Site Layout Plan 4 Revision A. The stockpiles shall not exceed a height of 3 metres above the height of the quarry floor.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The stockpiles of quarried stone, shillet, soil and subsoil were all stored within the hatched area shown on Site Layout Plan 4 Revision A.

**Application Number: DCC/3564/2013**

**Condition Number: 13.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No vehicles other than agricultural tractors and trailers shall be used for exporting material from the site.

REASON: To minimise the impact of the development on the local environment and the local highway network, in accordance with Policy MP41 of the Devon County Minerals Local Plan 2004 and Policies DVS3 and TRA6 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The operator stated that material is always exported from the site with the use of agricultural tractors and trailers and occasionally land rover and trailer.

**Application Number: DCC/3564/2013**

**Condition Number: 15.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No clearance of vegetation shall be carried out within the site between 1 March and 31 August

inclusive in any year.

REASON: To protect wildlife and habitats present on the site, in accordance with Policies MP10, MP11 and MP41 of the Devon County Minerals Local Plan 2004 and Policies ENV8 and ENV9 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 16.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

Gorse shall be allowed to naturally regenerate around the top of the quarry within the fenced area as shown on Site Layout Plan 4 Revision A.

REASON: To minimise the visual impact of continued quarrying and commence restoration before cessation of operations, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011 .

**Comments/ Course of Action:**

Gorse appears to have been allowed to naturally regenerate in this area.

**Application Number: DCC/3564/2013**

**Condition Number: 17.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

No external floodlighting shall be used on any part of the site.

REASON: To protect the character of the Area of Outstanding Natural Beauty, in accordance with Policies MP2 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 18.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

The operator shall afford access at all reasonable times to any person(s) nominated by the Mineral Planning Authority with a bona fide interest in geological study and shall allow them to observe and record the geological features of the site.

REASON: In the interests of geological conservation, in accordance with Policy MP41 of the Devon

County Minerals Local Plan 2004 and Policy ENV12 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 19.**

**Compliance Status: WORK CARRIED OUT.**

No further action required at this time (see comments below).

**Condition:**

A written record shall be kept of the following information:

- a) the dates of quarrying and the amount quarried on each date
- b) the dates that material is exported from the site and the amount exported on each date.

The written record shall be maintained during until the planning permission expires and be made available for inspection by the Mineral Planning Authority when requested.

REASON: To minimise the impact of the development on the appearance of the Area of Outstanding Natural Beauty and the local highway network, in accordance with Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policies ENV2 and TRA6 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

The operator stated that this record has been/is being kept.

### Long Term Ongoing Requirement

**Application Number: DCC/3564/2013**

**Condition Number: 1.**

**Compliance Status: LONG TERM ONGOING REQUIREMENT.** No further action required at this time (see comments below).

**Condition:**

Extraction of minerals shall cease by 31 March 2042. All plant, machinery and stored materials used in connection with the development shall be removed, and restoration and aftercare shall be completed in accordance with Condition 20 no later than 31 December 2042.

REASON: To ensure the development is carried out in accordance with the submitted application and approved details, to minimise the duration of disturbance from the development and to comply with policies of the Development Plan, in particular Policies MP2, MP40 and MP41 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 20.**

**Compliance Status: LONG TERM ONGOING REQUIREMENT.** No further action required at this time (see comments below).

**Condition:**

No later than 31 December 2041, a restoration scheme for the site shall be submitted to the Mineral Planning Authority for written approval. The scheme shall provide details of the measures to restore the site to a primary nature conservation use and include a timetable for implementation. The approved scheme shall be fully implemented by 31 December 2042.

REASON: To ensure the satisfactory restoration of the site and to protect the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2, MP40, MP41 and MP56 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 21.**

**Compliance Status: LONG TERM ONGOING REQUIREMENT.** No further action required at this time (see comments below).

**Condition:**

In the event of prior cessation of winning and working of minerals prior to 31 March 2042 which, in the opinion of the Mineral Planning Authority, constitutes a permanent cessation within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a restoration scheme and aftercare scheme, as required by Conditions 20 and 22 respectively, shall be submitted in writing to the Mineral Planning Authority within 6 months of the cessation. Within 6 months of the written approval, the restoration scheme shall be fully implemented. The aftercare scheme shall run for 5 years after the completion of the restoration scheme, as required under Condition 22.

REASON: To ensure the satisfactory restoration of the site and to protect the appearance of the Area of Outstanding Natural Beauty, in accordance with Policies MP2, MP40, MP41 and MP56 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

**Application Number: DCC/3564/2013**

**Condition Number: 22.**

**Compliance Status: LONG TERM ONGOING REQUIREMENT.** No further action required at this time (see comments below).

**Condition:**

No later than 31 December 2041, an aftercare scheme to maintain the site for 5 years after completion of the restoration scheme required under Condition 20 shall be submitted to the Mineral Planning Authority for written approval. The approved aftercare scheme shall be fully implemented and complied with for the five year aftercare period.

REASON: To ensure the satisfactory restoration of the site and to protect the appearance of the

Area of Outstanding Natural Beauty, in accordance with Policies MP2, MP40, MP41 and MP56 of the Devon County Minerals Local Plan 2004 and Policy ENV2 of the North Devon Local Plan 1995 - 2011.

**Comments/ Course of Action:**

None.

## APPENDIX 1: FULL LIST OF APPROVED PLANS/ SCHEMES & DOCUMENTS

**Approved Drawings/ Schemes –**

(<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3564/2013>)

Drawing Number	Description	Comment
Site Plan 2		
Mortehoe quarry PP plan 22/10/2013		
Site Layout Plan 4 Revision A		
Working Plan 3 Revision A		

**On behalf of Mr. Dave Black, Head of Planning, Transportation and Environment, Devon County Council**

**Signed:** *Andy Bowman*      **Date:** 17/06/2016