

Somerset County Council

Regulation Committee – 2 March 2017

Report by Service Manager

Planning Control, Enforcement & Compliance: Philip Higginbottom

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*Application Number:* 16/05249/CPO

*Date Registered:* 24 /11/2016

*Parish:* Maperton PC

*District:* South Somerset District Council

*Member Division:* Blackmoor Vale

*Local Member:* Cllr William Wallace

*Case Officer:* Mrs Laura Horner

*Contact Details:* [lahorner@somerset.gov.uk](mailto:lahorner@somerset.gov.uk); 01823 357378

*Description of Application:* **Importation and deposition of construction, demolition and subsoil waste to re-contour land to improve the slope gradient of agricultural field**

*Grid Reference:* **366994 - 126782**

*Applicant:* Hopkins Developments Ltd

*Location:* Land at Maperton Ridge, Maperton Road, Maperton, Wincanton, BA9 8EH

## **1. Summary of Key Issues and Recommendation(s)**

**1.1 The proposed development is for the re-contouring of agricultural fields with demolition waste and subsoil. The main issues for consideration are:**

- Compliance with Development Plan policies**
- Location**
- Whether the improvement is effective for agricultural purposes.**
- Highway Impacts.**
- Amenity Impacts (i.e. Noise and Dust)**
- Landscape and Visual impact**
- Ecological Impacts**
- Water quality and surface water management**

**1.2 It is recommended that planning permission be REFUSED for the following reasons:**

**The proposal is contrary to Waste Core Strategy policy WCS4 because it has not been demonstrated that**

- The waste cannot be managed in a more sustainable way through diversion up the waste hierarchy**

- That the proposal allows the land to be used more effectively for agricultural purposes
- That the proposal uses the minimum amount of waste necessary to achieve the stated purpose.

The proposal is contrary to Waste Core Strategy Policy WSC2 because the application has:

- not demonstrated that the material proposed for disposal cannot be re-used or recycled;
- the proposal does not have clear benefits to the local community and environment.

The proposal is contrary to Policy DM1 (Basic Location Principles) of the Somerset Waste Core Strategy. This is a greenfield site and a clear environmental or community benefit has not been demonstrated by the proposal.

It has not been demonstrated that mud will be effectively prevented from entering the highway and therefore is contrary to policy DM6 of the Somerset Waste Core Strategy.

It has not been demonstrated how dust will be effectively prevented from egressing the site and therefore is contrary to policy DM3 of the waste Core Strategy.

It has not been demonstrated that protected species and flora will not be affected by the proposals and is therefore contrary to Policy EQ4 of the South Somerset Local Plan.

## **2. Description of the Site**

- 2.1 The site is part of a parcel of land located within the village of Maperton, 6km to the west of Wincanton, 150m from Dancing Cross. The site sits on a south facing slope, bounded by hedgerows along its northern and eastern sides. The application site forms the north-eastern part of a wider field that is generally used for arable crops when not in alternative use for agricultural rotational practices. The application site comprises of 4.35 hectares of land within the larger field. There is no existing access to the site. The site lies on a slope.
- 2.2 The majority of surrounding land is in agricultural use. There are also a small number of residential properties found in the surrounding area, situated to the east, north east, south and south east of the site.
- 2.3 The northern boundary of the site is bounded by the old A303. The new A303 dual carriageway lies immediately north of this road. Whilst there is an exit from the A303 at Dancing Cross located to the east of the site, this has a height restriction preventing HGV from using this access. To the south, Maperton Lane is a narrow unclassified lane leading to the centre of Maperton half a mile to the south.

Alternative routes egressing and entering the A303 (T) are at Blackford Hollow 1 mile to the west of the site and the Wincanton junction 5km away via A371, A357, Anchor Hill and Horton.

## 2.4 Constraints

There are limited constraints on the site. There are few national or local designations within the site or that could be affected by the proposal. Whilst the site lies in an area of some archaeological interest and a large scheduled monument lies 500m to the South and some archaeological interest lies north of the A303 (T) there is limited interest in the field itself confined to a lynchet along which follows the line of a former field boundary and some interest in connection with the former toll road. The site lies to the north and in view of the Maperton Conservation Area.

There are no public rights of way within the site, although some cross the A303 near the application site. Generally the land is graded agricultural grade 3 with some land being arable and the remainder pasture. The site does not lie in Flood zone 2 or 3 or any groundwater protection area.

## 3. Site History

- 3.1 There is no history of any development on the site. This is a green field site most recently used for agriculture purposes. The majority of the application site is not in agricultural production although the base of the slope and eastern part of the site has been sown with seed this year.
- 3.2 The whole of the application site has been ploughed in 2008, 2009 and 2015 as demonstrated by photographic evidence. It may have been in agricultural production in other years where there is no dated evidence. Moreover, the water trough in the field strongly suggests that this field which may have in the past been separated from the larger field by a fence has been used for grazing by sheep or cattle.
- 3.3 It would appear that the site has not been in any agricultural use for at least 12 months due to evidence on site of recent scrub clearance on parts of the site.

## 4. The Proposal

- 4.1 It is proposed that sub-soil or recovered demolition material be brought into the site to reduce the gradient in some parts of the site (although slightly increasing it in other parts.) The initial stage of works will involve stripping the existing soil from the site and stockpiling this for reuse in the final stage of the development. Total input proposed is 73 205 cubic metres or about 120 000T. Proposed hours of working are 08:00h to 18:00h Monday to Friday and 08:00h -13:00h on Saturday with no working on Sunday or public holidays.
- 4.2 This material will be placed on the site in layers with larger granular material forming a free draining base being laid in layers to provide stability and compaction

that will avoid later large scale settlement. Suitable soil recovered from the site during site preparation works will be then re-laid and supplemented with appropriate imported soils to provide a suitable growing upper horizon of soil.

- 4.3 The purpose of these works stated in the application is to allow the gradient of the slope to be reduced and to provide a free drainage base to allow arable crops to thrive on the land.

It should be noted that the existing gradient in the application agricultural report is not 25 degrees but according to the applicant, 18 degrees.

The proposed revised gradients from the plans submitted are as follows

Section A-A gradient averages over indicated section length

- |                             |          |       |
|-----------------------------|----------|-------|
| - current gradient          | 0m-85m   | 6.7%  |
| - current steepest gradient | 85m-126m | 15.0% |
| - restored gradient         | 0m-126m  | 9.5%  |

Section B-B gradient averages over indicated section length

- |                             |          |       |
|-----------------------------|----------|-------|
| - current gradient          | 0m-70m   | 6.8%  |
| - current steepest gradient | 70m-100m | 16.2% |
| - restored gradient         | 0m-126m  | 9.2%  |

Section average along a western section of deep fill

- |                     |        |       |
|---------------------|--------|-------|
| - current gradient  | 0m-95m | 10.7% |
| - restored gradient | 0m-95m | 7.8%  |

- 4.4 If necessary, a swale would be constructed 300m long, 0.75m deep and 3m wide to temporarily retain surface water run-off and allow this water to slowly percolate into the soil.
- 4.5 A new access would be created onto the old A303 about 160m to the west of Dancing Cross. Some hedging and a single oak tree would require removal to form the access.
- 4.6 It is anticipated that the proposal would take 18 months to complete.
- 4.7 **Application Documents:** The application comprises:  
- Application form and statutory declarations;  
- Planning statement;  
- Flood Risk and Surface Water Assessment;  
- Transport Statement;  
- Agricultural Statement;
- 4.8 Further information was subsequently submitted comprising:  
Additional information and clarification of the gradient of the site;  
Additional plan showing existing gradients on site.
- 4.9 **Screening Opinion:**
- 4.10 **Screening Opinion:** The Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 2011 refers to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded

as “EIA development” and trigger EIA procedures. For Schedule 2 developments consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

- 4.11 Within Schedule 2, at part 11(b) is “Other Projects, Installations for the disposal of waste”; The indicative threshold states that EIA would apply to where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes; sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites are unlikely to require Environmental Impact Assessment. As this site only just meets the capacity threshold and is for inert waste only which does have limited effects on the environment in terms of potential impact in terms of discharges, emissions or odour, it is not considered that in this case an Environmental Assessment is required.

## **5. Consultation Responses Received**

### **5.1 South Somerset District Council**

- The District Council raises no objection to the application subject to the appropriate landscaping conditions and consideration of the highway issues raised locally.

### **5.2 North Vale Parish Group (includes the Parishes of Maperton and Horton Objection**

1. The Parish Councillors voted unanimously to oppose all aspects of the Application.

The Parish Council view is that the Applicant has failed to make his case for “agricultural improvement.” As testified by local residents (including individuals employed by previous owners who actually carried out the ploughing and harvesting) the area in question has been farmed continuously right up until its purchase by the Applicant in 2015. Therefore there is no justification for this Application to import approximately 73,000 cubic metres of waste material via 8600 lorry journeys.

2. We fully endorse the Paper forwarded to the Council in early January on behalf of the ‘Community Action Group against Landfill at Maperton’.

3. There have been three public meetings where local residents have attended to lodge protests to this application. Two Parish Council Meetings in December and January have had multiple public attendees, a third meeting held at Holton Village Hall on 30<sup>th</sup> December had 80 in attendance. There have been NO voices in support of the application.

4. We wish to emphasise the points made on Page 5 of the Community Action Group paper. Amenity value is being taken away from local residents which the community currently enjoys.

5. Speeding traffic and HGV incidents at the Dancing Cross crossroads feature regularly at our Parish Council meetings. Discussion regarding Dancing Cross has been minuted in 8 of the last 10 meetings. A site meeting was held at Dancing Cross with North Vale PC/Colin Fletcher (Highways) on 09/03/2016 which recommended restricting HGVs leaving A303 eastwards at Dancing Cross and the possibility of imposing a speed limit, which was recommended by the Police, after the wall of the Old School House was demolished for a second time. Recommendations from that meeting are being worked on currently.

6. We would strongly recommend that, should this Application come before the Regulations Committee, members should make a prior site visit to better understand residents' concerns.

5.3 **Environment Agency:** No comment (Environment Agency does not now comment on applications for inert disposal) An environmental permit will be required

5.4 **Local Highway Authority:** No objection subject to conditions

I refer to the above-mentioned planning application received on 7 December 2016 and after carrying out a site visit on 4 January 2017 have the following observations on the highway and transportation aspects of this proposal:-

The application will construct a new access onto the unnamed road that was formerly the A303 at Maperton. When consulting the Transport Assessment, it shows that the site will generate approximately 4 vehicle movements per hour based on an average working 9 hour day. This is not deemed to represent a severe impact under section 4 of the National Planning Policy Framework (NPPF) and as such the number of vehicle movements associated with the application would not cause the Highway Authority to raise an objection. The proposals will use HGV's to transport the material to the site, using the old A303 as the access routes. The access to and from the A303 to the west can be done via the slip road onto the A303 approximately 1 mile away. There is a weight restriction but this only applies to vehicles that would not enter the A303 and continue on the road at this point. However, when leaving the A303 traveling from the east, there is an exit located in close proximity to the site but the height restriction of crossing under the A303 could be a problem. This means that the junction with the A303 in Wincanton would most likely be used. This would mean that the traffic associated with the site would have to pass through Holton cross towards Anchor Hill and the A357 and from here it would be possible to access the A371, into Wincanton with further access onto the A303. The junction of Anchor Hill and the A357 does have a right turn lane that would assist the free movement of traffic along the A357 and not cause any potential highway safety concerns. The access will be onto the road at a part that is derestricted and as such Design Manual for Roads and Bridges (DMRB) would be used to establish the required visibility. However, from my onsite observations vehicle speeds were less than 60mph and approximately 50mph. This would mean that the required visibility from the access would be 2.4x160metres. When consulting drawing number 0776-001A, it shows that the proposed visibility from the access would be 2.4x152 metres to the east and 2.4x137 metres to the west. Although this is less than the required visibility as set

out it DMRB, it is still greater than the one step below the desired minimum and taking into consideration the relatively low traffic flow along the old A303 into consideration, the one step below desirable is deemed acceptable. The applicant must ensure that the access is fully consolidated, i.e. no loose stone or gravel that will prevent any loose material from being deposited onto the Highway. Any loose material could cause a potential highway safety concern and any vehicles leaving the site must be in such a condition so that no loose material would be deposited on the highway. Should the applicant wish to install any gates they would have to be set back a minimum of 10 metres so that vehicles can wait off the highway to gain access and would not block the highway that again could cause a potential highway safety concern. The construction of the proposed access will likely increase the amount of surface area that is impermeable.

This would mean that the applicant must ensure that under no circumstance is water to be discharged onto the highway.

To conclude, the Highway Authority accepts that there is likely to be an increase of vehicle movements that are likely to be generated as a result of the application. However, when considering that the vehicle movements are likely to be 1 every 15 minutes which does not represent a severe impact under section 4 of the NPPF. Taking this into consideration the Highway Authority does not wish to raise an objection to the application and should planning permission be granted then I would recommend that the following conditions are imposed:-

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development, and thereafter maintained until the use of the site discontinues.
2. At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan 0776-001A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
3. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 0776-001A, and shall be available for use before commencement of the development. Once constructed the access shall be maintained thereafter in that condition at all times for the duration of the works.
4. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
5. The access between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

6. The proposed vehicular access to the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within 1 month of completion of works on site.

7. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 15 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Information Note:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

Additional comments

Further to our conversation yesterday with regards to Maperton and the drainage condition that was attached to my consultation response.

Ideally if there was a consolidated surface that ran in both directions from the access within the site it would serve as surface that the lorries could drive along and therefore would not need to drive on any loose surface and there would be no concerns over any loose material from being deposited onto the Highway. However, it can therefore be assumed that should there be a need for a lorry to drive on any loose surface within the site then there would be a fully consolidated surface that would help to catch any material before the lorries went onto the Highway. The increase of the impermeable surface would likely increase the potential water runoff, which cannot be discharged onto the highway under any circumstances. Assumption should not be made that connection to the highway drain can be established as well.

Ideally an area that could be set aside for a vehicle wash then this would provide an area for vehicles to be clean before leaving the site. However, I do understand that there is an issue with water supply and this may not be practicable, but would be desirable.

#### 5.5 **Local Lead Flood Advisor** – no objection subject to condition.

The re-profiling of the slope has the potential to change the surface water runoff rates from the site and the routes which this runoff may take. This has been noted in the submitted flood risk assessment at which the application has made mention of potentially introducing a shallow swale at the toe of the slope. However, there does not appear to be any confirmation within the application that this swale will be installed.



The LLFA has no objections to this application subject to the Planning Authority imposing a condition should it be approved to ensure that the potential surface water runoff post development is fully investigated and a suitable resolution (potentially the proposed swale) is installed at the same time as the re-profiling work is undertaken.

**5.6 South West Heritage Trust Archaeology – no objection**

Following a review of maps, aerial photographs and a site visit, it appears that the possible lynchet (as recorded on the Somerset Historic Environment Record) is more likely to be a removed field boundary rather than a medieval lynchet. Therefore, as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

**South West Heritage Trust – Conservation Officer**

Comments are awaited on the impact of the proposal on the setting of listed buildings and the Conservation Area to the south and a verbal update shall be provided at the committee meeting on this issue.

**5.7 Council for the Protection of Rural England – objection**

The proposal is not 'restoration-led': In our view the main purpose of the application is to create a short term landfill site on a steep corner of a field, rather than to make "agricultural improvements" as claimed in the Planning Statement which forms part of the application. The overall acreage of the farm in which the field is situated is not disclosed in the application, nor are the farming activities of the applicant in any detail, so the economic benefits of increasing the yield in one corner of one field by altering the gradient from 1:4 to 1:5.7 cannot be quantified. They are likely to be minimal. The proposal is therefore contrary to Somerset County Council Waste Core Strategy (SCCWCS) Policy WCS4 (Disposal). The waste does not involve the excavation of a previously excavated site: The waste is not being used for the restoration of quarries, nor other excavation sites, nor is the waste being used with "clear benefits to the local community and environment". It is therefore contrary to SCCWCS Policy WCS2 (Recycling and Refuse).

Adverse impacts on the environment and local communities: The application proposes 8601 HGV movements over an 18 month operation, or 36 lorry movements a day, six days a week. The Planning Statement does not disclose the size of these lorries, but we understand they could include 8 wheeled vehicles capable of transporting 20 tons. The local roads serving the site may not be suitable either for the size or the number of lorries.

There will be excessive noise of lorries manoeuvring, tipping, and loud alarms when reversing. The site of this application is located on a slope above Maperton and there is no technical assessment in the application to show the distance the noise and dust will carry within the valley. Tipping operations on a steep slope on high ground will clearly generate a huge amount of both, thereby impacting adversely on the quiet enjoyment of the countryside. The Planning Statement claims that the development cannot be seen "from adjoining roads" - but it will be visible from Maperton. The site is not well screened by mature woodland. CPRE does not agree with the claim that "there is a significant number of trees and vegetation separating the site from properties in close proximity". Thus there will be

adverse effect on the quiet enjoyment of nearby residential properties as a result of noise, dust and other contaminants. The proposal is therefore contrary to SCCWCS Policies DM2 and DM3 (Impacts on the Environment and Local Communities), as well as South Somerset District Council Policies SD1 (Sustainable Development) and EQ5.

Likely non-compliance with the 'Proximity Principle': The proximity principle states that waste should be dealt with as close to its source as possible. This principle is compromised by permitting a site for which need is not established. There is no explanation in this application of where the waste is coming from. The site is near a primary market town (Wincanton), and a local market town (Ansford/Castle Cary) but neither town has sufficient development activity in the next 18 months to justify landfill operations on this scale. Lack of proven need may be harmful in itself because excess supply of void in one area would result in wastes being attracted from elsewhere i.e. from a greater distance and thereby contravening the proximity principle. CPRE Somerset consider landfill on this site to be intrinsically harmful due to nuisance, noise, and adverse visual impact. Therefore "need" should be demonstrated in order to overcome that harm. In our view no such need has been shown.

We believe the application should be refused for the above reasons.

**5.8 Somerset Wildlife Trust – No objection with condition.**

We have noted the Planning Application and also the concerns of local residents. Everything possible should be done to limit the impact of the development on the environment and the wildlife which currently uses the site. In particular we would request that the two oak trees are well protected and that measures are taken to repair, improve and enhance the hedge.

**5.9 Other Internal Consultees:**

**SCC's Acoustics Advisor – No objection subject to condition.**

The application by Hopkins Development is for the daytime importation and grading of waste materials '*to level and improve an existing area of land in order to bring it back into full and safe agricultural use*'. The Supporting Statement indicates in 3.2 that material importation is to reduce the gradient of the land from the steep gradient stated in section 5.5 to be '*1:4 or steeper*'. However I note section 2.4 states '*The gradient on the site is currently 25 degrees*' and the sections provided on the finished contour plot would not indicate that present gradients approached 25 degrees and I have derived the following:

Section A-A gradient averages over indicated section length

- current gradient	0m-85m	6.7%
- current steepest gradient	85m-126m	15.0%
- restored gradient	0m-126m	9.5%

Section B-B gradient averages over indicated section length

- current gradient	0m-70m	6.8%
- current steepest gradient	70m-100m	16.2%
- restored gradient	0m-126m	9.2%

Section average along a western section of deep fill

- current gradient	0m-95m	10.7%
- restored gradient	0m-95m	7.8%

The application has not considered noise specifically but hopes that the adoption of a Construction Management Plan can be effective so that '*no adverse impacts on residential amenity of properties in the local area can be substantiated*'. The proposed development is stated to require approximately 73,205m<sup>3</sup> of material and require 8,612 lorry loads with a rate of importation, based on a 6-day week, of 18 loads per day.

The nearest properties to the site are to the north and other are located in the northeast of Maperton, to the south of the development. Maperton dwellings would appear to be at approximately 380m from, and 19m above the closest regions of working with separation extending to 590m and 5m above the furthest working. It would appear that, while hedge boundaries may obscure views to the site, there are no topographic features to screen these locations from any noise from the site.

The properties located to the northeast of the site at Dancing Cross have separation distances that range between 80m to 320m with the separation from the A303 of 55m. A property to the northwest of the site has separation distances that range between 210m to 480m with the separation from the A303 of 30m. Both these locations would be expected to experience the bulk of passing site traffic. There would appear to be no topographic features providing obstruction to the upper areas of the site to these locations however site activities located on the lower southern areas of the site would be expected to be obscured by the declining slope feature.

While noise has not been assessed at the site I have records of measurements made in a similar situation at Sparkford as reported in 1996 (302300N.285) and in 2000 (302300N.063). Noise was assessed at Brooklands Farm at 70m to the south of the raised embanked section of the A303 on Monday 7 October 1996 when winds were very light north-westerly. I note there was considerable continuous noise from traffic with daytime noise levels of 52dB LA90(10 minutes) and 59dB LAeq(10 minutes). The measurements made in 2000 during light west/south-westerly wind indicated ambient noise from traffic on the A303 was at a level of 58dB LA90(11 minutes) and 62dB LAeq(11 minutes). Subjectively, I noted high pitched tyre noise was combined with engine noise from fast moving traffic and this was found to be effective at masking the noise that was otherwise faintly audible from a waste processing activity 190m to the north of my location. Based on the above I would therefore expect background noise at the properties to the north of the application site to be in excess of 55dB(A) and to have ambient noise levels in excess of 60dB(A). The increased separation of Maperton from the A303 would be expected to result in background noise at properties to the south of the site to be approximately 43dB(A) with ambient noise 48dB(A)

Operational noise from the site would be expected to be continuous over the periods of land strip but then become sporadic and be dependent on the rate of material intake and the needs for compaction. I would expect typical plant to

include a dozer or large excavator and based on the worst case noise from the continuous use of a dozer I have predicted the noise levels at the three noise sensitive locations.

The consideration of noise under the NPPF requires impacts of development to be assessed in terms of the effect they might reasonably be expected to have on residents, taking account of the acoustic environment and considering:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In my opinion noise from the A303 is likely to be sufficient to dominate the present noise environment at any northern property or residential location in Maperton under the weather conditions that would favour the propagation of noise from the application site. The predicted continuous noise from the noisiest operation of site preparation, would appear unlikely to exceed the estimated background noise levels at any residential location and it would seem reasonable to assume that noise from other sporadic tipping and spreading activities would not exceed these noise levels. As such it is likely that noise impacts from this development might be classified under present planning guidance as 'Noticeable and not intrusive' and as such require no specific planning measures.

The passage of site vehicles past a property might create greater brief noise events during the daytime however this noise would appear infrequent, at less than 4 movements per hour, and with respect to dwellings to the north of the site, would not appear significant when considered in the context of more continuous existing traffic noise from the A303.

In conclusion I consider there is little justification for the expected noise impacts of this development to substantiate planning objection. In my view there would appear no planning need for a noise limiting condition however I would suggest that the applicants proposal, in section 5.27, that the works be undertaken in accordance with a method statement and/or construction management plan, be secured by a condition. The possible wording for a condition might be as follows:

Prior to the commencement of mechanised activities at the site the operator shall obtain CPA approval of a Site Operations Method Statement. This statement shall define typical good practice measures to be adopted by the operator to reduce the noise from activities involving plant and machinery and confirm the intention to use white noise reverse warning alarms on all site based plant.

In order to complete the site with the minimum requirement of materials it may be prudent to include a condition preventing the exportation of materials from the site.

## 5.10 **Waste Policy Officer** – Contrary to Policy

As Waste Planning Authority, Somerset County Council is responsible for waste planning policy in Somerset. Current policy is set out in the Waste Core Strategy (WCS) (adopted February 2013), which forms part of the Development Plan, and any decisions on planning applications will be assessed according to these policies unless material consideration indicate otherwise. Based on the information available to us, our comments on the above application therefore focus on four key policies/principles:

- WCS Policy WCS4 – disposal;
- WCS Policy WCS2 – recycling and reuse;
- WCS Policy DM1 – basic location principles and the proposed use of unallocated greenfield;
- Overall need for the development.

### WCS Policy WCS 4: Disposal

In the planning application form, the applicant discusses the proposed development as an inert landfill and as such, we have initially considered if the proposal meets policy WCS 4 disposal.

In paragraph 1.4, the planning statement describes that there is no previous planning history for the site and as such, we consider the site to be greenfield land. The planning statement continues to describe that a proportion of the application site has been left un-cropped for a number of years and that the application site is part of a wider field that is generally used for arable crops when not in use for agricultural rotation practices.

The slope gradient on part of the application site is described as 25 degrees and that the MAFF Agricultural Land Classification grade 5 describes this grade of land having “limitations which restrict use to permanent pasture or rough grazing”. In its current and as far as we are aware, its natural condition, the application site is suitable for certain types of agricultural land use. However we note that the applicant describes that parts of the site are not suitable for arable use due to the potential health and safety issues that would be associated with any attempt to employ farm machinery on slopes with gradients as described and potential for soil erosion/nutrient runoff should arable crops be cultivated on such slopes.

There is no evidence presented that the site in its current condition is subject to stability issues or soil erosion/nutrient runoff from current land use.

Based on the information available to us, the development does not appear to meet the definition of restoration as there is no evidence of degradation of the land as a result of previous development or natural geological processes.

The applicant does not demonstrate that the minimum amount of waste is being used for the development. The primary objective appears to be to engineer parts of the site to address steep slope gradients on particular sections of the site. No evidence is presented to demonstrate that the applicant has considered alternatives such as cut and fill opportunities to achieve the desired gradients

rather than importing significant quantities of waste material to re-profile the site and address the areas of land with gradient issues.

Therefore we do not consider that the proposed development is in accordance with a number of aspects of WCS policy WCS4.

#### WCS Policy WCS2: recycling and reuse

The planning statement describes the proposed works as engineering operations involving the importation of suitable waste soils and could be considered as a recovery operation subject to Environment Agency permit approval. Therefore the development has also been considered against WCS Policy WCS2: recycling and reuse.

In terms of the beneficial uses discussed in policy WCS Policy WCS2, noting no previous quarrying or excavation activity on site (criterion a), the development would need to demonstrate either b) clear benefit to the local community or environment or c) other facilities that will facilitate such positive use.

Paragraph 1.5 of the Planning Statement describes the intended benefits of the development as economic - to improve and maximise the potential of agricultural land. This is opposed to WCS Policy WCS2, which sets out to support proposals with a clear environmental or local community benefit. As the site is already capable of agricultural land use, the land would appear to have positive use in its current condition and the proposal is therefore contrary to WCS Policy WCS2.

#### WCS Policy DM1: Basic location principles

Paragraph 10.17 of the adopted Waste Core Strategy describes that “the use of unallocated greenfield land will be strictly controlled and limited to developments that can demonstrate clear environmental benefits or benefits to the local community, referenced against policies in the Development Plan”.

Having noted in the previous section (WCS2) that the purpose of the proposed development is to achieve an economic rather than an environmental or local community benefit, the submitted proposal does not meet the required basic location principles criteria.

It is noted that no details have been provided of the potential additional yield and thus economic benefit that could be achieved if the area of land was capable of arable crop land use rather than left uncropped or grazed. As such, considering the scale of the proposed development (the importation of approximately 73,000 cubic metres of construction, demolition and excavation waste over an eighteen month period) the justification for the need is not clear.

#### Conclusion

Therefore, based on the information available to us, we object to the proposed development on this greenfield site as it does not meet the requirements of WCS Policy DM1: basic location principles. This objection holds irrespective of whether the applicant considers the development a recovery or disposal activity, as the

proposal is contrary to both WCS policies WCS4: Disposal and WCS2: Recycling and Reuse.

#### 5.11 **SCC Ecological Advisor**

No ecological survey as such has been submitted with the application despite the applicants identifying ecology as a key issue with which they need to engage. The only information regarding the ecological impacts of the proposals is contained, so far as I can see, in section 5.19 to 5.22 inclusive of the Planning Statement, but this is wholly inadequate upon which to base any positive recommendation:

- It is stated that there could be an impact due to the proposals on two mature trees but these are not identified and no information is given on the species, size, estimated age or suitability to support protected species;
- The applicant's agent suggests that there could be an amount of hedgerow that has to be removed to facilitate the development but no information is provided on the anticipated length of hedgerow to be lost, species composition, age, status in relation to hedgerow regulations, etc.;
- No mitigation is proposed to minimise impacts on biodiversity.

#### Results of Site Visit

Most of the application site is improved agricultural grassland much of it recently sown with new grass. The upper western half of the field contains a substantial area of poor semi-improved grassland habitat with tussock-forming grass species and a modest number of herb species (including Self-heal, Curled-leaved Dock, and Ragwort). A flock of Redwings was foraging among this vegetation at the time of the visit. The landfill will avoid some of this habitat but some of it would be lost.

A large Oak with substantial dead wood features is just outside of the application boundary and there is another smaller Oak in the roadside hedge. The hedge itself appears to be relatively species-poor (I could distinguish only, Ash, Hawthorn and Elder with Clematis and Bramble growing through). It is on a hedge bank (up to 1 metre in height in places) but is severely trimmed and a bit 'gappy'. The hedge is 1 – 2m in height varying along the road. The road verge does not appear to be particularly species rich although there are protected road verges in the area (at Holton).

Three Roe Deer (2 hinds, 1 buck) were seen grazing on the agricultural grass in the field. There was some evidence of Rabbits and Moles in the top part of the field but no signs of Badger setts.

The above suggests to me that ecology will not be a major constraint preventing the development from being granted permission. The main thing will be to safeguard the two Oaks mentioned above and particularly the specimen in the field which is a particularly nice veteran/aged tree. The hedgerow does not appear to be important from the ecological point of view although January is a

most sub-optimal time to look at this. Nevertheless, if any access is made off the road from Dancing Cross, the gap through the hedge should be kept to the minimum (and this should not be made near the standard Oak in the hedgerow that is mentioned above). The hedge is not suitable for Dormice and is barely useable in its current state by nesting birds. If the hedge is allowed to grow up to screen the development this would probably improve its wildlife value.

## 5.12 Somerset County Council Agricultural Advisor

### **Introduction**

I am employed by Somerset County Council as the Rural Estates Manager and have been involved with land and estate management for about 35 years, with over 30 years as a member of the Royal Institute of Chartered Surveyors (Rural Practice).

### **The Site**

The application site is approximately 4.3 hectares (10.7 acres) and lies within an 18 hectare (44 acre) arable field. The parcel with the steepest gradient forms approximately 0.8 hectares (2 acres) of the total site and is currently growing rough grass, typical of not having been grazed for some time.

### **Use of Land**

Until recently it appears from an aerial photo taken in 2007 that the field was divided, probably by a fence with each parcel farmed separately with differing crops. The division ran approximately east to west, south of the steepest 2 acre parcel and just south of the large tree to the west, and then north-west to join the copse.

Historically the site was bounded by a hedgerow in the approximate position as detailed above, indicating that two separate methods of cropping was the norm, with pasture to the north and arable to the south. The water trough in the "north" parcel indicates that this has been the preferred farming method for these fields for many years.

It would be very useful to have sight of the Rural Payments Agency records for the years 2005 - 2016, which should show the annual cropping for the field over those years. These details are submitted by the owner/occupier of the land each year, in order to claim the annual subsidy, previously the Single Payment Scheme and now the Basic Payment Scheme.

### **Agricultural Need**

In my opinion, the need to "improve" this parcel of land (I do not think that the land requires restoring) is unnecessary and not commercially viable.

To bring an area of approximately 0.8 hectares (2 acres) into arable production within an 18 hectare (44 acre) field, using over 75,000 m<sup>3</sup> of waste and over 8600 lorry movements to achieve this aim, cannot be justified on financial or land management grounds. 2 acres of extra production of, say, winter wheat, might achieve a gross margin of about £300 per acre, which suggests a small profit of about £100 per acre, although the national average was less this year. The costs



associated with this improvement seem to outweigh the financial benefit achieved, even if spread over very many years.

### **Landscape**

The effect of disturbing the remaining 8 acres of good productive land whilst the work is in progress needs to be considered. From DEFRA's guidelines, at least 1.0 m of soil should cover any fill, or at least 600 mm over any introduced drainage scheme. This will require extensive work over the whole site which will naturally take a number of years to "settle". DEFRA suggest it could take at least 5 years of aftercare before a site will have fully settled, and during this period further work may well be required to remove any differential settlement.

### **Health and Safety**

The Health and Safety aspect is a major factor in the application. However, in my opinion, a solution is easily provided if the 2 acre parcel was the subject of a tree planting scheme. This would benefit the local environment, the local community, increase the area's biodiversity and all be achieved without the need to "improve" the site. There is the possibility of grant aid to plant the trees and fence off the area, which will then be permanently and effectively removed from any potential health and safety risk associated with field operations. A further benefit of a bank of trees is the extra stability it would provide the site as well as helping improve possible erosion and leachate problems.

### **Conclusion**

From an agricultural, ecological, landscape and safety perspective I do not believe the proposal is the most effective use of this land, or the most appropriate solution for removing the perceived risk to carrying out farming operations.

5.13 **Public Comments:** 50 local and nearby residents have submitted letters of objection or concern in response to the planning application. In addition, a petition with 69 signatures has been submitted. Comments refer to the following:

- |          |   |
|----------|---|
| Highways | <ul style="list-style-type: none"><li>• There is a highway pinch point at The Cottage, Brickyard Farm;</li><li>• There is a highway pinch point at Fairview;</li><li>• Impact on road at Holton especially where there is no footpath;</li><li>• The speed observations are incorrect and visibility guidelines ignored;</li><li>• Lack of footpath at Dancing Cross and Horton increases potential conflict between traffic and pedestrians including vulnerable people;</li><li>• The Blackford junction to A303 is unsuitable for HGV travelling west;</li><li>• Lack of visibility at Dancing Cross from Maperton village;</li><li>• Lack of visibility on approach to Blackford Hollow;</li><li>• Removal of hedgerow for visibility;</li><li>• Road not wide enough for turning HGV;</li><li>• no mitigation to prevent mud on the highway;</li></ul> |
|----------|---|

	<ul style="list-style-type: none"> <li>• old A303 currently under investigation for speed reduction;</li> <li>• Old A303 unsuitable as access as this is an accident blackspot;</li> </ul>
Agricultural improvement	<ul style="list-style-type: none"> <li>• Small percentage of the field -limited improvement and no real benefit;</li> <li>• Untrue that field not suitable for any form of agriculture;</li> <li>• Proposal not using minimum waste required to do the works;</li> <li>• Prime objective is disposal to landfill not agricultural improvement;</li> <li>• No previous difficulty with farming land - also used for grazing – applicant should adapt farming to landscape;</li> <li>• Field has been ploughed without incident in full use prior to purchase;</li> <li>• Gradient figures in application not accurate;</li> <li>• Landfilling has potential to damage soil and ability to use it for agriculture;</li> <li>• This application is simply a means of avoiding landfill tax;</li> <li>• No alternative means of improvement considered such as cut and fill;</li> </ul>
Landscape	<ul style="list-style-type: none"> <li>• Agricultural improvement not in keeping with landscape character;</li> <li>• Security to prevent unauthorised access would be intrusive;</li> <li>• Greater loss of hedgerows;</li> <li>• Conflicts with local landscape character area;</li> <li>• Cannot be screened from neighbouring property and ROW and there will be loss of visual amenity;</li> </ul>
Water and Flooding	<ul style="list-style-type: none"> <li>• Run off increased leading to flooding on roads;</li> <li>• Run off increased leading to contamination of stream;</li> <li>• Type of waste deposited need to be controlled to avoid water pollution - This will be difficult to monitor;</li> <li>• Potential contamination of River Cam via stream;</li> </ul>
Community amenity	<ul style="list-style-type: none"> <li>• There will be dust and air pollution which will affect health in neighbouring property;</li> <li>• Mud on road will not be able to be controlled;</li> <li>• Security and vehicle lighting will increase light pollution;</li> <li>• Hours of workings should be limited to work days only;</li> <li>• Noise impact on neighbouring and near Maperton residents;</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Impact on deer, hare and badger – there is little information in the application regarding biodiversity;</li> </ul>

	<ul style="list-style-type: none"> <li>• Concern regarding impact on veteran oak adjacent to application within the field;</li> </ul>
Rights of Way	<ul style="list-style-type: none"> <li>• Effect on wider ROW network which adjoin and cross the old A303 obliquely particularly at Dancing Cross;</li> <li>• Impact on views from rights of way from Maperton Village;</li> </ul>
Conservation Area and Historic Environment	<ul style="list-style-type: none"> <li>• Impact on Maperton Conservation Area;</li> <li>• Impact on Maperton Neolithic settlement north of A303;</li> <li>• Impact on Scheduled Monument Maperton Roman settlement; paragraph 170 of the National Planning Policy Framework should apply.</li> </ul>
Sustainability	<ul style="list-style-type: none"> <li>• Proximity of sources of wastes should be conditioned</li> <li>• Potential of longer time frame if material availability declines – Waste Core Strategy states no need for additional sites for construction and demolition waste;</li> <li>• Concern that site will result in a designation of brownfield land and therefore at risk from other development;</li> <li>• Demolition waste can be recycled and therefore is not suitable for landfill;</li> <li>• Detrimental impact on neighbouring business;</li> <li>• No community benefit from application.</li> </ul>

## 6. Comments of the Service Manager

6.1 The planning application relates to a proposal to dispose of inert demolition and construction waste and restore the land to agriculture. The main issues for consideration are:

- The diversion of waste to landfill that could be recycled
- The benefits of the proposal in this location
- Highway Impacts
- Noise and Dust impacts
- Landscape and Visual Impacts
- Ecological Impacts
- Impacts on the water environment
- Impacts on the historic environment

6.2 **Development Plan:** Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material

considerations indicate otherwise. Relevant policies may be found in the Somerset Waste Core Strategy (WCS) and South Somerset Local Plan (SSLP)

6.3 **National Policy and National Waste Policy:** The waste hierarchy, the main objective of the National Waste Policy is to divert material that can be recyclable to

be re-used, accepting that some materials will always require landfilling. Where landfilling is necessary only the minimum shall be disposed of by land raising or landfill to ensure that the majority of waste is recovered. In this case the application does not rely on materials which cannot be recovered and proposes the disposal of material that can be recovered.

#### 6.4 **Local Waste Policy:**

The Waste Core Strategy objective is also to divert any material that can be re-used not to be disposed of to land. Where this is unavoidable the Waste Core Strategy sets out the precise situations where this is acceptable in policy WCS4. The key points of this policy are that

- Disposal is not appropriate for material that can be recycled;
- Disposal must have an overall benefit to the land;
- Only the minimum amount of waste to achieve this benefit would be permitted.

This is because the Core Strategy concluded that demand for additional inert sites was very low and concluded that additional sites were not required for construction and demolition waste particularly since it is easily re-used.

- 6.5 The proposal is for the disposal of recovered demolition waste and soils. The application does not demonstrate that the materials proposed to be disposed of cannot be re-used. Whilst it is noted that some of the material would be pre-sorted, the Flood Risk Assessment states that the material will largely consist of crushed stone, which can be re-used in place of primary aggregate in the construction industry.
- 6.6 In this case, in its natural condition, the application site is suitable for certain types of agricultural land use. Whilst it is the applicant's preference not to use this part of the field for arable agriculture, it is suitable for other forms of agriculture such as grazing land. It is noted, however, that this is merely a preference and there is much evidence available that this field was in active production until purchased recently by the applicant. Indeed adjacent parts of the field at the same and similar gradient are in arable production. There is no evidence presented that the site in its current condition is subject to stability issues or soil erosion/nutrient runoff from current land use.
- 6.7 Moreover, the County Council's agricultural advisor has stated that the economic benefit of the agricultural improvement is not justified by this proposal and unnecessary and not commercially viable. It is estimated that the additional profit of the improvement of 0.8ha within a larger 18 ha field using over 75,000 m<sup>3</sup> of waste and over 8600 lorry movements to achieve this aim, cannot be justified on financial or land management grounds, the likely profit being about £200 per annum. The costs associated with this improvement seem to outweigh the financial benefit achieved, even if spread over very many years.
- 6.8 As this is a green field with a previous history of agriculture, the proposal does not fall into the definition of restoration as there is no evidence of degradation of the land as a result of previous development or natural geological processes.

- 6.9 The applicant does not demonstrate that the minimum amount of waste is being used for the development. The primary objective appears to be to engineer parts of the site to address steep slope gradients on particular sections of the site. However in doing so, additional land will be made steeper and a swale will be required to control the significant surface water run off caused by the importation of material, which is likely to impede drainage and it is not clear therefore whether the swale, due to its very nature, may be removed from productive agriculture. No evidence is presented to demonstrate that the applicant has considered alternatives such as cut and fill opportunities to achieve the desired gradients rather than importing significant quantities of waste material to re-profile the site and address the areas of land with gradient issues.
- 6.10 It is therefore considered that this proposal is contrary to Waste Core Strategy Policy WCS4.
- 6.11 If this proposal did meet the requirements of WCS4 then it would also need to meet the requirement of policy WCS2 which is the policy relating to the recovery of inert material including the use of it on land where there are the following benefits:
- either reclamation of a quarry (this does not apply in this case);
  - or a clear benefit to the local community or environment
  - or other means of a positive use of inert waste.
- 6.12 The additional waste imported will not result in a change which would be an additional overall benefit to the land and may in fact be detrimental to it from, for example, water run-off, which would require the continued maintenance of a swale.
- 6.13 The applicant has relied heavily on Health and Safety as the justification for the development. It should be noted that the gradient of 25 degrees in the application is accepted as incorrect by the applicant. The applicant has re-calculated this as 18 degrees. Calculations using the plans provided suggest the true gradient is less than this. In addition,
- There is ample evidence that the field has been cultivated in the past and moreover adjacent parts of the field at a similar gradient continue to be in arable production;
  - The health and safety statistics given in the application refer to all farm accidents not just those associated with tractor tipping.
  - If the applicant does not wish to have this part of a large field in its present state for arable land it could be used for cattle grazing as has occurred in the past or for other wider agricultural use including set aside which is normal agricultural practice, working with the land rather than altering it, potentially causing additional detriments.
- 6.14 As the site is already capable of agricultural land use, the land would appear to have positive use in its current condition and the proposal is therefore contrary to policy WCS2.
- 6.15 **Location:**  
Paragraph 10.17 of the adopted Somerset Waste Core Strategy states that “the use of unallocated greenfield land will be strictly controlled and limited to developments that

can demonstrate clear environmental benefits or benefits to the local community, referenced against policies in the Development Plan”.

Having noted in the previous section (WCS2) that the purpose of the proposed development is to achieve a very minor economic rather than an environmental or local community benefit, the submitted proposal does not meet the required basic location principles criteria and is considered contrary to WCS Policy WCS2

- 6.16 **Highway Impacts:** There are few constraints on this land that would be impacted by this development that could not be controlled by condition apart from the partial loss of a single tree in the hedge line where the access is proposed which would be affected by the visibility splay. This is considered under Ecology considerations. Conditions regarding prevention of mud on the road during its operational phase are considered below.
- 6.17 The National Policy Planning Framework and the Department of Transport Roads and Bridges Manual used to determine whether the transport impacts could warrant a refusal. It is considered that the volume of traffic which equates to 4 vehicle movements per hour is low and that the road is also not heavily used at present. Therefore due to these two aspects, the national guidance allows for a two-step reduction in the visibility splay required. It is considered that the impact would not be severe as stipulated in the National Planning Guidance and refusal is not therefore considered to be warranted.
- 6.18 Following local highway information being received from objectors the highways officer considered whether additional conditions were reasonable to be applied to overcome these. These include whether a road widening is appropriate at the applicants expense to avoid a pinch point at The Cottage, Brickyard Farm and whether a condition preventing lorries using the A303 (T) Dancing Cross junction and Blackford Hollow junctions is appropriate. This would mean that all lorries would need to arrive and depart east of the site via Horton, Anchor Hill and A357 and A371 at Wincanton. The applicant would be amenable to the latter condition. Additional conditions for road widening are not considered necessary.
- 6.19 **Noise**
- No noise assessment was submitted with the application. The County Council acoustics advisor has made an assessment of the likely noise impact based on previous assessments in similar environments. The estimated background noise at the properties to the north of the application site is likely to be in excess of 55dB(A) and to have ambient noise levels in excess of 60dB(A) due to the proximity of the trunk road on the embankment. The increased separation of Maperton from the A303 would be expected to result in background noise at properties to the south of the site to be approximately 43dB(A) with ambient noise 48dB(A).
- 6.20 The County Council's acoustics advisor has made an assessment of the likely noise impact from the proposed operations and concluded that at all the properties including those to the south the increased noise from the operations would not

exceed the present background noise level. Therefore there is little justification for a refusal on noise impact.

- 6.21 **Dust and Prevention of Mud on highway** – The primary sources of operational dust from the proposal are considered to be from activities on site and from roads and surfaces across the waste facility and mud egressing onto the highway. The applicant has not considered how dust could be managed during the operations. More generally these issues could be addressed by a condition to any planning permission. However, the issue would be how those dust measures could be implemented and effectively controlled by a suitable condition in any consent. There are no services on site, particularly water. Therefore, the ability to dampen down internal roadways and to clean vehicles are limited; these are key ways to reduce the impact of dust. It is expected that dust mitigation measures would need to include a considerable length of consolidated track and ideally, provision of a bowser and high pressure hose. The provision of a consolidated track may require changes to the proposed development and the impacts of mitigation measures themselves would require assessing. Any consent for such a scheme must comply with the guidance on conditions in the National Planning Policy Framework. In this case, any condition is unlikely to meet the tests of “enforceability” and “reasonableness in all other respects” because the Planning Authority cannot confidently foresee that such a condition could be effectively implemented.
- 6.22 **Landscape and Visual Impacts:** SSLP Policy EQ2 (General Development) requires development to be designed to achieve a high quality, which promotes South Somerset’s local distinctiveness and preserves or enhances the character and appearance of the district.
- 6.23 The landscape character of the area is classified as Wooded Valleys and Clay Vales, part of the Escapement ridges and vales east of Yeovil in the South Somerset Landscape Assessment. This character type is dependent upon the range of slopes, the steeper slopes where soil is thinnest often having the greater botanical interest. Improved pasture on the lower slopes with steeper less productive land above is common. Therefore removing the less productive land as is proposed will change an important characteristic of the local landscape character area and potentially a loss of interesting flora. Hedgerow loss in the Maperton area has been particularly acute and further loss would be regrettable and could only be mitigated by hedgerows being improved and re-instated as part of the proposals.
- 6.24 The site also lies in the setting of the Maperton Conservation Area to which policy DM3 of the Waste Core Strategy applies. In this case, the benefit of the development must clearly outweigh any significant adverse impact and be adequately mitigated for; where the adverse impact is in respect of a nationally designated asset such as a Conservation Area permission would only be granted in exceptional circumstances where there is no alternative location for the proposal. The response from the South West Heritage Trust’s Conservation Officer will be reported verbally to the committee meeting.
- 6.25 Visual impacts would be encountered when the proposed development would be viewed from surrounding roads and footpaths largely from the south from the centre of Maperton village. Changes to the views are anticipated and are

considered to be a moderately negative impact on neighbouring housing and from the local rights of way network during operations. However the construction phase is for 18 months, a relatively short period which needs to be taken into account. Aftercare will be for a period of 5 years although restoration would be completed as soon as the operation is completed and could be phased such that the impact would be considered acceptable. The temporary nature of the operation would reduce this to a minor impact. The importation of geologically different material would change the ground cover and the slopes will alter to a shallower longer slope than that existing, and although a permanent change to the landscape, these are considered a negligible to minor impact. Whilst the application omits any details regarding lighting, it is expected that this would be a requirement for any tipping during dusk. The addition of lighting and the necessary infrastructure for this would be a significant change to the environment, industrialising essentially a rural environment. This would be a significant adverse change, which would be required for a longer period including any aftercare period. An alternative to unacceptable lighting in a such a prominent location would be to reduce the working hours to daylight hours only although this would lengthen the proposed operation or increase the frequency of traffic.

6.26 Landscape and visual impacts resulting from the proposed development during the daytime are therefore not deemed to be significant.

6.27 **Ecology**

No ecological information has been submitted with the application. However, there is limited known ecological interest in this area, the most significant being the two trees, one in the hedge line and the other just outside the application area. The hedge removal is not considered significant and could be improved overall by condition. It is possible that the lower branches of the hedge tree may require removal but this would not be expected to have a long term effect on the tree. The other tree lies adjacent to the workings but with the imposition of a suitably worded planning condition could be protected. Whilst deer and other mammals are known to use the field, the County Council's Ecological Advisor could find no evidence of any burrows. It was reported by one objector that the field is used by Hare; a protected species. Hare do not burrow and without further information, any impacts on this protected species could not be addressed. It is also noted that locally less productive slopes are often areas where flora can be significant. In the absence of any ecological information, the application fails to demonstrate that the proposal would not affect protected species and flora and is therefore considered contrary to SSLP Policy EQ4.

6.28 **Water**

The Environment Agency does not now routinely comment on applications for the disposal of inert waste. The proposed site is not in a flood zone although is greater than 1ha although of less impact as the surface would generally be unconsolidated material. The flood risk assessment notes that surface water is the only impact to consider. A swale is proposed at the toe of the slope although additional information would be required, which could be a condition in any permission.



The proposal would require a permit from the Environment Agency to protect the water environment and this would be monitored by the EA. Water impacts could be resolved by a suitably worded planning condition.

#### 6.29 **Archaeology**

The advice of the Heritage Trust is that the archaeological interest is likely to be low and no condition is considered appropriate.

#### 6.30 **Other Considerations from objectors:**

##### **Conflict between Rights of Way users and Heavy Goods vehicles using the site.**

There are no ROW on the application site. As the footpath network is not ideal due to the A303 crossing it, pedestrians in the area do need to use the highway network as well as footpaths and may encounter other road users. The likely increase in traffic is low and therefore the change will be low. The footpath from Maperton village to the existing field entrance requires pedestrians to use Maperton Lane to Dancing Cross. The footpath does cross the A303 but pedestrians are likely to use the underpass and road and re-join the footpath the other side. There are alternative routes from Maperton to Holton to avoid walking along the old A303.

##### **Hours of Working should be reduced to week day working only**

The proposed working hours are 08:00h to 18:00h Monday to Friday and 08:00h - 13:00h on Saturday with no working on Sunday or public holidays. These are considered appropriate.

##### **The application should take account of Historical Landscape Characterisation (NPPF paragraph 170)**

Whilst there is a requirement to take into account historical land characterisation in landscape assessment for local plans. The application is assessed against the South Somerset Landscape Assessment which has incorporated this element.

##### **The Application fails to take into account the Proximity Principle**

The main sources of waste are considered to be Yeovil and Wincanton. This is considered sufficiently close to be compliant with the proximity principle in the National Waste Policy. These are areas of significant development from where a supply of material is highly likely to continue.

##### **The Restored site will be classified a “brownfield site” and therefore more likely to be developed.**

Restored landfill sites exempt from the definition of a brownfield site.

## 7. **Conclusion**

- 7.1 As this development proposes the disposal of material that can be recovered, namely demolition material and crushed stone, it is contrary to the National Waste Planning Policy as these are not hard to manage wastes.
- 7.2 This proposal is contrary to WCS Policy WCS4 (Disposal) because it has not been demonstrated that the proposal provides an overall benefit to the land and that the minimum amount of waste to achieve this benefit is proposed.
- 7.3 This proposal is contrary to WCS Policy WCS2 (Recycling and Reuse) because:

- it is not considered that the proposal is reclamation;
  - the justification that this proposal would be the most appropriate solution for removing the perceived risk to carrying out farming operations is not accepted and
  - no other clear benefits to the local community and environment; or other positive use have been demonstrated
- 7.4 WCS Policy DM1- (Basic Location Principles) seeks to locate waste management development at sites that are well connected to the strategic transport network, and on an existing, permitted or allocated waste management, industrial or storage site, or previously developed land. This is a greenfield site where any development should result in a clear environmental or community benefit.
- 7.5 Whilst the majority of Highway impacts are not considered significant to warrant a refusal and most impacts could be conditioned, it has not been demonstrated that a condition for a scheme to prevent mud entering the highway could be implemented effectively. The application is therefore contrary to policy DM6 (Waste Transport) of the Waste Core Strategy.
- 7.6 Noise impacts are considered acceptable. However, it has not been demonstrated that a condition for a scheme to prevent dust egress could be implemented effectively.
- 7.7 The proposal is contrary to policy SSLP EQ2 (General Development) as the landscape character would not be preserved. Hedgerow removal would be regrettable, but the loss could be mitigated for by the imposition of a planning condition.
- 7.8 The short temporary nature of the operation would result in visual impact experienced from residences and rights of way being only minor. If lighting were necessary this would be a significant change to the environment, industrialising essentially a rural environment. This would be a significant adverse change. It could be mitigated to an acceptable level by reduced hours of working although this would have additional amenity and highway impacts.
- 7.9 The application has failed to demonstrate that there would be no impacts to any protected species or flora due to the lack of information accompanying the application and is therefore contrary to SSLP Policy EQ4. Mitigation would be required to protect the two trees. Hedgerows could be actively managed and reinstated on completion.
- 7.10 Surface water impacts could be mitigated to acceptable levels by a suitably worded condition. The Environment Agency permit would control discharge to water courses.
- 7.11 Archaeological Interest is considered low. The effect on the setting of the Conservation Area will be reported verbally to the committee meeting.
- 7.12 Users of Rights of Way are not considered to be adversely affected by this proposed development.

7.18 There are no other material considerations and my recommendation is that the decision should be made in accordance with the development plan, and I recommend that this application is **REFUSED**.

## **8. Recommendation**

8.1 It is recommended that this application is REFUSED for the following reasons:

- 1 This proposal is contrary to Policy WCS4 (Disposal) of the Somerset Waste Core Strategy because it has not been demonstrated that
  - The waste cannot be managed in a more sustainable way through diversion up the waste hierarchy
  - That the proposal allows the land to be used more effectively for agricultural purposes
  - That the proposal uses the minimum amount of waste necessary to achieve the stated purpose.
- 2 This proposal is contrary to Policy WCS2 (Recycling and Reuse) of the Somerset Waste Core Strategy because it is not considered that the proposal is reclamation and no justified environmental, community or other positive benefit to the land has been demonstrated.
- 3 The proposal is contrary to Policy DM1 (Basic Location Principles) of the Somerset Waste Core Strategy. This is a greenfield site and a clear environmental or community benefit has not been demonstrated by the proposal .
- 4 It has not been demonstrated that mud will be effectively prevented from entering the highway and therefore is contrary to policy DM6 of the Somerset Waste Core Strategy
- 5 It has not been demonstrated how dust will be effectively prevented from egressing the site and therefore is contrary to policy DM3 of the waste Core Strategy
- 6 It has not been demonstrated that protected species and flora will not be affected by the proposals and is therefore contrary to Policy EQ4 of the South Somerset Local Plan

### **Relevant Development Plan Policies**

1. The following is a summary of the reasons for the County Council's decision to refuse planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:
  - The Somerset Waste Core Strategy

- The South Somerset Local Plan
3. The County Council has also had regard to all other material considerations.
  4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

### **Background Papers**

Planning Application file no. 16/05249  
Development Plans listed above;  
National Planning Policy Framework (2012); and  
National Planning Policy for Waste (2014).

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