

Regulation Committee

Thursday 6 April 2017
2.00 pm Luttrell Room - County Hall,
Taunton



To: The Members of the Regulation Committee

Cllr A Bown, Cllr Coles, Cllr D Loveridge, Cllr D Hill, Cllr T Lock, Cllr D Ruddle, Cllr T Venner, Cllr N Woollcombe-Adams (Vice-Chairman) and Cllr D Yeomans (Chairman)

Issued By Julian Gale, Strategic Manager - Governance and Risk - 29 March 2017

For further information about the meeting, please contact Michael Bryant on 01823 359048 or mbryant@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda **including public speaking at the meeting.**

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



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AGENDA

Item Regulation Committee - 2.00 pm Thursday, 6 April 2017

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Accuracy of the Minutes of the meeting held on 2 March 2017** (Pages 7 - 12)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Section 73 Applications - variation of condition for continued importation of rubble and excavated materials and variation of condition for storage of topsoil and subsoil** (Pages 13 - 40)

6 **Section 73 Application - variation of condition for the storage, crushing and recycling of hardcore** (Pages 41 - 60)

7 **Any Other Business of Urgency**

The Chairman may raise any items of urgent business.

Proposed rescheduling of Regulation Committee meeting at 2pm on 1st June 2017 to 2pm on 8th June 2017

Regulation Committee – Guidance notes

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Michael Bryant, Tel: (01823) 359048 or 357628, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

3. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Michael Bryant, Tel: (01823) 359048, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

4. Public Question Time

At the Chairman's invitation you may ask questions and/or make statements or comments about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about the matters on the agenda for this meeting will be taken at the time when that matter is considered.

The Chairman will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chairman may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chairman will then invite local County Councillors to

address the Committee on matters that relate to their electoral division.

If you wish to speak either in respect of Public Question Time business or another agenda item you must inform Michael Bryant, the Committee Administrator **by 12 noon on the last working day prior to the meeting (i.e. by 12 noon on the Wednesday before the meeting)**. When registering to speak, you will need to provide your name, whether you are making supporting comments or objections and if you are representing a group / organisation e.g. Parish Council. Requests to speak after this deadline will only be accepted at the discretion of the Chairman.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

Comments made to the Committee should focus on setting out the key issues and we would respectfully request that the same points are not repeated.

The use of presentational aids (e.g. PowerPoint) by the applicant/agent or anyone else wishing to make representations to the Committee will not be permitted at the meeting.

An issue will not be deferred just because you cannot be present for the meeting.

The Chairman will decide when public participation is to finish. The Chairman also has discretion to vary the public speaking procedures.

Remember that the amount of time you speak will be restricted, normally to three minutes only.

5. Substitutions

Committee members are able to appoint substitutes from the list of trained members if they are unable to attend the meeting.

6. Hearing Aid Loop System

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we need to provide you with a small personal receiver. Please request one from the Committee Administrator and return it at the end of the meeting.

7. Late Papers

It is important that members and officers have an adequate opportunity to consider all submissions and documents relating to the matters to be considered at the meeting, and for these not to be tabled on the day of the meeting. Therefore any late papers that are to be submitted for the consideration of the Regulation Committee, following the publication of the agenda/reports, should be sent to the Service Manager – Planning Control, Enforcement and Compliance (Philip Higginbottom) via planning@somerset.gov.uk in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer (Richard Phillips) in respect of Rights of Way items, and should be received no less than 48 Hours before the meeting.

8. Recording of meetings

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

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REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday, 2 March 2017 at 2.00 pm

Present: Cllr A Bown, Cllr Coles, Cllr D Loveridge, Cllr D Hill, Cllr T Lock, Cllr D Ruddle, Cllr T Venner and Cllr D Yeomans (Chairman)

Other Members present: Cllr W Wallace

Apologies for absence: Cllr N Woollcombe-Adams

225 **Declarations of Interest** - Agenda Item 2

226 **Accuracy of the Minutes of the meeting held on 2 February 2017** - Agenda Item 3

The Chairman signed the Minutes of the Regulation Committee held on 2 February 2017 as a correct record.

227 **Public Question Time** - Agenda Item 4

There were no public questions on matters falling within the remit of the Committee that were not on the agenda. Questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

228 **Importation and deposition of construction, demolition and subsoil waste to re-contour land, Maperton, Wincanton, BA9 8EH** - Agenda Item 5

(1) The Case Officer with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for the importation and deposition of construction, demolition and subsoil waste to re-contour land to improve the slope gradient of an agricultural field.

The Committee were informed: the application site was 4.5km West of Wincanton, and near to the village of Maperton; access to the site was via the old A303; the deposited material was expected to originate from the Wincanton and Yeovil areas; the application site is 4ha in size, and is part of a larger agricultural field; and that no objection had been received from the Highways Authority.

The Case Officer highlighted the main issues for consideration including: Waste Policy; the Waste Core Strategy; the justification for waste disposal; and demonstrating impact mitigations. The Case Officer further noted that: construction / demolition waste can be recycled; the applicant had not demonstrated that the waste cannot be managed in a more sustainable way; that inert landfill developments must be restoration led; the land has previously been used for agricultural purposes; the landscape at the application site is typical of the area; it was expected that a consolidated access track would be required to prevent mud being spread onto the public highway; and the

ecological impacts of the proposal were unknown due to insufficient information being provided by the applicant. Finally the Case Officer noted that the application was recommended for refusal as the development is contrary to Waste Core Strategy Policies.

(2) The Committee heard from Jenny Chambers, a local resident, who spoke in support of the officer recommendations, and raised a number of points including: she had been a member of Maperton Parish Council for 11 years, and had been resident in the village for 33 years; she was appalled at the application; the Maperton Action Group had considered the implications of the development; the application was contrary to Waste Core Strategy; the application offered no benefit to the local community; the land was planted with crops prior to the applicant's purchase; and there was an overwhelming objection to the application. Finally Mrs Chambers urged the Committee to refuse the application.

(3) The Committee heard from Alison Allen, a local resident, who spoke in support of the officer recommendations, and raised a number of points including: her partner was an employee of the previous land owner; that no agricultural improvement was required as the land had previously been cultivated; the land could be returned to grazing or used for tree planting; that it could not be financially justifiable to carry out the work; and that there was a risk that a nearby stream would become polluted.

(4) The Committee heard from Nigel Chambers, a local resident, who spoke in support of the officer recommendations, and raised a number of points including: he had been a resident of Maperton for over 30 years; that he understands slopes and gradients due to his previous career as a Navy surveyor; that he believed the details of the gradient included in the application were exaggerated; and that there were errors in the officer report regarding gradient classifications.

(5) The Committee heard from James Scott, a local resident, who spoke in support of the officer recommendations, and raised a number of points including: he was a long-standing Maperton resident; the application was contrary to Waste Planning Policy and the County's Waste Core Strategy; that there was no need for the application; and that the application offered no benefit to the local Community. Finally Mr Scott invited the Committee to refuse the application.

(6) The Committee heard from Ian Riddick, a local resident, who spoke in support of the officer recommendations, and raised a number of points including: he noted that Members of the Committee had visited the application site; the site was clearly visible from the road and a footpath; the volume of waste required would necessitate one lorry movement every 15 minutes, 9 hours a day, 6 days a week for 18 months; the application would generate noise; the loss of wildlife; that he believed the application would take 42 years to pay for itself; the applicant had only recently purchased the site; and there was no agricultural need for the development.

(7) The Committee heard from Sylvia Hartnell-Bevis, a local resident, who spoke in support of the officer recommendations, and raised a number of points

including: the roads around the application site are narrow and not suitable; and that she found the highways report hard to accept.

(8) The Committee heard from Cllr William Wallace, Local Member, who spoke in support of the officer recommendations, and raised a number of points including: hundreds of local people would be affected by the proposed development; long standing residents had spoken against the application; the field was suitable for agriculture without any improvement; and that there would be negative highways impacts for local residents.

(9) The Committee proceeded to debate during which a number questions were asked by Members to which the Case Officer replied. This included: the suitability of the site for agriculture; grading the land without the need for landfill; the suitability of the access roads; and the potential for waste to be washed down the valley.

(10) The Case Officer clarified that paragraphs 4.3 and 5.9 of the officer report contained an administrative error as the figures detailed should illustrate the gradient in degrees and not percentages as shown.

(11) Cllr Simon Coles proposed the recommendations detailed in the officer report, and this was seconded by Cllr Dave Loveridge.

(12) The Committee resolved in respect of planning application no. 16/05249/CPO that planning permission be **REFUSED** for the reasons set out in section 8 of the report.

229 **Development of a Waste Management Facility at Green Ore Farm, Green Ore, Wells, BA5 3EP - Agenda Item 6**

(1) The Service Manager – Planning Control, Enforcement and Compliance with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for the development of a Waste Management Facility at Green Ore Farm, Green Ore, Wells.

The Committee were informed: it was proposed the site would process up to 75k tonnes of inert material and 10k tonnes of non-inert material; and of the proximity of the site to the Mendip Hills AONB.

The Service Manager highlighted visual issues and potential simultaneous working as the main issues for consideration. The Committee were further informed how the existing bunds and screening would minimise any visual impact, and that it was unclear if both the existing composing operations permission and the waste transfer station could operate simultaneously even if both in part, but that this had been addressed through the amended recommendation included in the late paper, which would prevent the operation of both permissions at the same time.

(2) The Committee heard from Mr Nick Dunn, the applicants agent, who spoke in support of the recommendation, and raised a number of points including: that he was speaking on behalf of the applicant; that the Parish Council's objection was based on perceived impacts and not supported by the statutory

consultees; that the application referenced a new landscape scheme, but should reference the existing scheme; and that following a change of landownership the applicant was committed to implementing the existing landscaping scheme.

(3) The Chairman questioned the applicant regarding the potential for both the composting and waste transfer stations to operate simultaneously. At the Chairman's invitation, Mr Dunn responded that the applicant had committed to operating the composting operation for a further 18 months, but that it was his intention that it would then end.

(4) The Committee proceeded to debate during which a number questions were asked by Members to which the Case Officer replied. This included: pollution or dust posing a danger to animal health; amending the sites operating hours to end at 18.00; and vehicle movements.

(5) Cllr Dave Loveridge proposed the recommendations detailed in the officer report as amended in the late paper, and this was seconded by Cllr Dawn Hill.

(6) The Committee resolved in respect of planning application no. 2016/3103/CNT that planning permission be **GRANTED** subject to the prior completion of a deed pursuant to Section 106 of the Town and County Planning Act 1990 in a form acceptable to the County Council relating to the cessation of operations permitted pursuant to planning permissions relating to the green waste composting activity at Green Ore Farm prior to the commencement of the development of and for the duration of the waste management facility at Green Ore Farm, and the imposition of the conditions set out in section 8 of the officer's report, and that authority to undertake a minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control, Enforcement & Compliance.

230 **Erection of a Single Storey Modular Building at Neroche Primary School, Broadway, Ilminster, TA19 9RG - Agenda Item 7**

(1) The Case Officer with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for the erection of a single storey modular building at Neroche Primary School.

The Committee were informed that: the application was for a 30 place nursery on the school site; the application site is NW of Ilminster; part of the school grounds are classified as flood zone; and the application included a new pedestrian access for the nursery.

The Case Officer highlighted that: few other providers in the area were able to accommodate an extension to their provision; the development would be a modular construction; that all existing trees would be retained; and that piled foundations would be used to minimise the risk of disturbance to the trees on the site.

The Case Officer further noted that there had been an objection from a local resident, who had raised concerns regarding parking and road safety, but that there had been no objection from the Highways Authority. It was further noted

that the school operates both breakfast and after school clubs, which staggers drop off and pick up times, and that the nursery would have different start and end times than the school.

The Committee were further informed that the school currently has 11 parking spaces, which is one more than required under parking standards, and that one further space would be added as a part of the development.

(2) Cllr Simon Coles proposed the recommendations detailed in the officer report and this was seconded by Cllr Dave Loveridge.

(3) The Committee resolved in respect of planning application no. 16/05326/R3C that planning permission be **GRANTED** subject to the conditions set out in section 8 of the officer's report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

231 Erection of a vent stack, Love Lane, Burnham on Sea - Agenda Item 8

(1) The Case Officer with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for the erection of a vent stack in Love Lane, Burnham on Sea.

The Committee were informed that: the application site was at the edge of Burnham on Sea; was to release pressure to allow the sewers to function correctly; and that permission for the main sewer scheme had already been granted.

The Case Officer highlighted: that the main issue for consideration was odour; the nearest house was approximately 30m from the vent stack; and that the development had been reviewed by Wessex Water's Odour Management Consultant, who had concluded that there would be no odour nuisance.

(2) The Committee proceeded to debate during which a number questions were asked by Members to which the Case Officer replied. This included: resolving any potential odour nuisance.

(3) Cllr Dean Ruddle proposed the recommendations detailed in the officer report, and this was seconded by Cllr Dawn Hill.

(4) The Committee resolved in respect of planning application no. 1/12/16/026 that planning permission be **GRANTED** subject to the conditions set out in section 8 of the officer's report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance

232 Any Other Business of Urgency - Agenda Item 9

None.

(The meeting ended at 3.28 pm)

CHAIRMAN

Somerset County Council

Regulation Committee – 6 April 2017

Report by Service Manager –

Planning Control, Enforcement & Compliance: Philip Higginbottom

Application Number: 1/13/16/049 and 1/13/16/050

Date Registered: 25 October 2016

Parish: Cannington and Durleigh

District: Sedgemoor

Member Division: Cannington

Local Member: Cllr John Edney

Case Officer: Bob Mills

Contact Details: rwills@somerset.gov.uk
tel: 01823 356019

Description of Applications: **(1/13/16/049) SECTION 73 APPLICATION – VARIATION OF CONDITION NO. 1 OF PERMISSION NO. 1/13/07/042 FOR THE CONTINUED IMPORTATION OF RUBBLE & EXCAVATED MATERIALS FOR SITE RESTORATION PURPOSES UNTIL 31 DECEMBER 2017**
and
(1/13/16/050) SECTION 73 APPLICATION – VARIATION OF CONDITION 1 OF PERMISSION NO. 1/13/07/043 (FOR THE STORAGE OF TOPSOIL AND SUBSOIL FOR SITE RESTORATION PURPOSES) UNTIL 31 DECEMBER 2017.

Grid References: 326183 – 137183 and 326358 - 137040

Applicant: S Roberts & Son (Bridgwater) Ltd

Location: Land at Spaxton Road, Bridgwater.

1. Summary of Key Issues and Recommendation(s)

1.1 The applications relate to an existing landfill development and associated soil storage and seek to extend the temporary development period for 1 year from the date of the expiry of the original permission until 31 December 2017 (plus 1 year for site restoration).

1.2 The main issues to be taken into account are:

- **Landscape and visual impact,**
- **Noise impact, and**
- **Traffic impact.**

- 1.3 **It is recommended that planning permission is GRANTED subject to the conditions set out in section 8 of this report and the authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance in respect of both planning applications 1/13/16/049 and 1/13/16/050.**

2. Description of the Site

- 2.1 The gated entrance to the application sites is on the north side of Spaxton Road approximately 0.5km west of Skimmerton Lane. The landfill site area is located approximately 250m northwest of the access with the soil storage area alongside the access track approximately 150m west of the entrance.
- 2.2 The sites are located within an undulating landscape. Within this landscape are irregular, medium-sized fields, generally bounded by hedgerows, often on top of banks. Narrow winding lanes link farmsteads and settlements. The Quantock Hills AONB is about 3.5 km (2 miles) to the south and west.
- 2.3 At Clayhill Farm, several medium sized fields have been merged together as a result of the previous landfill activities causing the removal of hedgerows. Woodlands are generally sparse, but a small copse is located at the eastern end of the landfill site and another alongside the covered reservoir alongside Spaxton Road, to the southeast of the soil storage site.
- 2.4 The approximately 3.7ha landfill site (plus the access) is located on a north facing slope and valley bottom. The associated 0.7ha soil storage site is located at the top of the slope on relatively level ground. Access to the two sites is shared with a hardcore recycling site. A wheel wash is located alongside the access track about 100m from the access point on Spaxton Road.
- 2.5 Clayhill House is approximately 280m north of the landfill site. No's 1 and 2 Clayhill Cottages are approximately 150m to the east of the landfill site, and no. 16 Danesborough is approximately 300m to its southeast but partly screened from the landfill site by the landform. Gothelney Green is approximately 0.6km to the west of the landfill site and Gothelney Hall (a Grade I listed building) is approximately 0.7km to the northwest.

3. Site History

- 3.1 Landfill and associated developments have been on-going to the north of Spaxton Road and the Danesborough service reservoir for over a quarter of a century.
- 3.2 Landfill activity has taken place with the benefit of planning permission at three different sites off of Spaxton Road. The currently active landfill area was first permitted in 1995 (permission no. 1/13/95/002), with the permission renewed in 1998, 2001 and 2007 (permission no. 1/13/07/042).

- 3.3 The nearby soils storage site, containing topsoil and subsoil for site restoration purposes, was first permitted in July 2007 (permission no. 1/13/07/029) following informal enforcement action. The adjacent hardcore recycling site associated with the landfill site has been permitted since 1998 and is the subject of a separate application (no. 1/13/16/051).
- 3.4 The current permission affecting the landfill site required tipping to cease at the end of 2016 and expires at the end of 2017, by which time a previously approved restoration scheme must be implemented. The same arrangements apply to the soil storage area.
- 3.5 The landfill and soil storage activities are undertaken between 0800 hours and 1700 hours on Mondays to Fridays; and between 0800 hours and 1300 hours on Saturdays. There is no working permitted on Sundays, Bank Holidays or National Holidays.
- 3.6 The Appendix to this report outlines the history of the various waste related activities at Clayhill Farm.

4. The Proposal

- 4.1 The current permissions allow deposits at the landfill site until 31 December 2016 followed by the restoration / landscaping of the two sites to be completed by 31 December 2017.
- 4.2 The landfill site is continuing to fill and is nearing completion, with earth movement equipment permanently based on the site to enable the engineering necessary to finish the site to the agreed levels and specification. The submitted application seeks to allow the continued importation of waste soils to the site until 31 December 2017 to continue the raising of the site to the required levels and specification previously permitted, with a further year for site restoration.
- 4.3 The soil storage area was due to cease to be used for such purpose on 31 December 2016 after which the site's topsoil (currently stored in a bund on the northern edge of the site) would be respread and the site restored to agriculture. The submitted application seeks to allow the continued importation and storage of waste soils until 31 December 2017 with a further year for site restoration. This is due to a lack of availability locally of suitable material, and it has been common for such availability to be adversely affected by the recent deep and protracted recession resulting in a downturn or slowing of the construction industry.
- 4.4 **Application Documents:**
Application 1/13/16/049:
- Application form, etc.;
 - Documents:
 - Spaxton Road Landfill, Spaxton Road, Variation of condition 1, Planning Statement for Planning Permission – 1/13/07/042 [S Roberts & Son

(Bridgwater) Ltd, September 2016].

- Drawings:
 - Site Plan (no drawing number, etc.)

Application no 1/13/16/050:

- Application form, etc.;
- Documents:
 - Spaxton Rd Top / Subsoil Storage Facility, Spaxton Rd, Variation of condition 1, Planning Statement for Planning Permission – 1/13/07/043 [S Roberts & Son (Bridgwater) Ltd, September 2016].
- Drawings:
 - Figure 2: Planning Permission Plan (Terraqueous Ltd, file name EPA_02.DWG, dated 06/02/14, scale 1:2500).

4.5 **Screening Opinion:** The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended, Schedule 2, section 11(b) 'Other projects - Installations for the disposal of waste' indicates that developments on sites where the area of the development exceeds 0.5 hectare may be regarded as 'EIA development'. However, Government guidance refers to installations for the deposit, recovery and / or disposal of household, industrial and/or commercial wastes 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.

4.6 In this case the landfill site is approximately 3.7ha and was expected to receive approximately 15,000m³ (or approximately 30,000 tonnes) of material. The 0.7ha soil storage area is alongside the route to the landfill site. There are no designated wildlife sites in the immediate area and no land identified as sites of heritage interest. The site is not within any designated landscape or nature conservation area and is on Flood Zone 1 land.

4.7 It is therefore considered that the two developments are not regarded as 'EIA development'. A screening opinion has been sent to the District Council to be placed on the public register.

5. Consultation Responses Received

1/13/16/049

5.1 **Sedgemoor District Council:** NO OBJECTION.

5.2 **Cannington Parish Council:** SUPPORT.

5.3 **Durleigh Parish Council:** The main concern is the use of Skimmerton Lane, which is a narrow single track land linking Spaxton Road and the A39. The lane is not suitable for HGVs and there is an increase in traffic flow due to Hinkley Point C.

- The Parish Council recommends that there is a condition imposed that the applicant's vehicles do not use this lane due to their size, difficulty in reversing, subsequent congestion and contribution to deterioration in the road surface and borders. Residents have experienced abuse from un-cooperative drivers when there is congestion.
- Vehicles travelling from the site must not deposit mud and dust on the carriageway and thus cause hazards to other road users.
- There is no reference to hours of operation. It is believed there are conditions for this, and these are not being adhered to. It is recommended that these are re-enforced.

5.4 **Environment Agency:** No comments received.

5.5 **Local Highway Authority:** NO OBJECTION.

- The application is to extend the work undertaken by a further 12 months until 31 December 2017.
- Spaxton Road and Skimmerton Lane are classified un-numbered roads subject to the national speed limit, but given their rural nature it would be expected that the average speeds would be limited along most of their length.
- Having reviewed the recorded Personal Injury Accidents for the last five years there are a number at the Skimmerton Lane / Quantock Rd (A39) junction, although the majority appear to be due to driver error.
- As rural roads, both are reduced to a single lane in places, but there are informal passing places along their lengths.
- This site has been operational for a number of years, and now appears to be going into its restoration phase which should see a decrease in the number of vehicle movements over the coming months.
- However, the submitted information does not state what the existing level of vehicle movement is at the moment nor is there any information on how this will reduce over the coming months.
- Having considered local concerns, and to ensure that HGV movements do decrease, a condition requiring a Traffic Management Plan could be imposed.

5.6 **Public Comments:** A letter has been received from the landowner who wished to object to the application. He has since telephoned to indicate that he objects only to the hardcore crusher development.

- A letter has also been received from a couple who do not object to the application provided it is solely for the purposes of site restoration. It is their understanding that there is insufficient ground depth to be able to use rubble etc. and top soil over to restore the site levels, in which case it would seem pointless to import rubble onto the site.

1/13/16/050

5.7 **Sedgemoor District Council:** NO OBJECTION.

5.8 **Cannington Parish Council:** SUPPORT.

- 5.9 **Durleigh Parish Council:** Comments as per application no 1/13/16/049.
- 5.10 **Environment Agency:** No comments received.
- 5.11 **Local Highway Authority:** NO OBJECTION.
- Comments as per application no 1/13/16/049.
- 5.12 **Public Comments:** One letter has been received from a couple who do not object to the soil storage application provided that it is solely for the purposes of site restoration.

6. Comments of the Service Manager

- 6.1 The planning applications relate to an extension of one year for the further importation, storage and spreading of soils to complete a previously permitted landfill site off of Spaxton Road to the west of Bridgwater.
- 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 Sedgemoor Core Strategy (SCS, adopted September 2011) and the Somerset Waste Core Strategy (SWCS, adopted February 2013). Also taken into account are the National Planning Policy Framework (NPPF, 2012) and the National Planning Policy for Waste (NPPW, 2014).
- 6.3 **National Policy:** The NPPW states that when determining waste planning applications, waste planning authorities should among other things:
- consider the likely impact on the local environment and on amenity ;
 - ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and
 - ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions.
- 6.4 **Local Policy:** The SCS Plan Objective is to ensure development in Sedgemoor supports the principles of sustainable development and delivers sustainable communities whilst respecting the diversity in function and character of Sedgemoor's towns, villages and the countryside.
- 6.5 SWCS policy WCS4 (Disposal) states that planning permission will not be granted for any form of landfill development unless the applicant demonstrates that among other things:
- a) the waste cannot be managed in a more sustainable way through diversion up the waste hierarchy; and
 - b) the proposed development will be in accordance with Development Management policies.
- Planning permission may be granted for inert landfill development subject to the applicant demonstrating that the proposal:

- c) is restoration-led, enabling an area of land to be used more effectively or for another purpose; for example, for agriculture, nature conservation or built development; or
 - d) provides justified visual or acoustic screening; and
 - e) uses the minimum amount of waste to achieve the stated purpose, depositing inert waste only.
- 6.6 **Landscape and Visual Impact:** SCS policy D14 (Natural Environment) states that proposals should ensure that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape features visible from publicly accessible vantage points.
- 6.7 SWCS policy DM4 (Site Restoration and Aftercare) states that planning permission for waste management development which does not constitute a permanent use of land will only be granted where acceptable restoration and aftercare measures will be implemented at the earliest practicable opportunity, either in a phased manner during operation or immediately on completion of the operational life of the development.
- 6..8 Views of the landfill site from Spaxton Road are screened by the landform and existing hedgerows and trees. There are no public footpaths on the farmland immediately surrounding the site, the closest being at Gothelney Green over 0.6km to the west. The landfill activities are nevertheless visible from several properties, although some are at a distance such that the visual impacts of the activities are of little concern. However, the visual impacts will be most significant at the few local properties to the east of the site.
- 6.9 The land has been remodelled and completion of the development involves the distribution of soils across the site to an appropriate depth. The applicant anticipates that this may be achieved within the additional 12 months of the permission sought.
- 6.10 The soil storage site is partially screened by a bund on its northern edge and a tree line to the east. Hedgerows to the south and the landform largely obscure views from Spaxton Road and properties to the south. However, soil mounds are occasionally visible from Spaxton Road to the west of the site. On completion of the development the site would be restored to agriculture along with the landfill site.
- 6.11 The landfill site requires the importation and spreading of clean soil (rather than rubble, etc.) for its final restoration to agriculture. The final landform, once restored would be more likely to blend into the wider countryside and meet the requirements of SCS policy D14 and SWCS policy DM4. However, it would be appropriate to impose a condition limiting deposits to uncontaminated sub- and topsoil only.
- 6.12 **Noise Impact:** SCS policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) states that development proposals that are likely to result in levels of noise pollution that would be harmful to other land

uses, human health, tranquillity, or the built and natural environment will not be supported. Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse environmental impact, the Council will require planning applications to be supported by assessments.

- 6.13 SWCS policy DM3 (Impacts on the Environment and Local Communities) states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate a significant adverse impact from, among other things, noise or traffic to adjoining land uses and users and those in close proximity to the development.
- 6.14 A planning condition attached to the extant permissions requires that noise from site operations shall not exceed a free field Leq(15 minute) of 45 dB(A) at the garden boundary of any property.
- 6.15 Noise monitoring was undertaken by the County Council's Acoustics Officer during 2007 (in August, September and early October) and revealed the irregular levels of noise that can occur at the landfill site. The noise from a bulldozer periodically at the landfill site (for spreading and levelling the fill) was subjectively described as a "continuous intrusive low frequency engine drone" that dominated all other ambient noise. An occupier at Clayhill Cottages has previously confirmed that the noise could be heard within the property. However, activities at the site are sporadic and not continuous.
- 6.16 The development at the landfill site now requires the deposit and spreading of soil (rather than rubble) to complete the site restoration. This is likely to be less intrusive, and it is important that the site activities are completed so the site may be restored to productive and beneficial agricultural use.
- 6.17 Normal activities associated with the delivery and deposit of materials at the soils storage site by lorry were observed and found unlikely to reach the permission limit. Noise from the use of a slew and power screen together was also found not to be distinct other than for occasional slight clatter. From the information available, it would appear that activities associated with the delivery / deposit of materials would not be sufficient to support an objection to the soils storage application for a 12 month extension.
- 6.18 On the basis of the above, it is considered that the landfill and soil storage activities are acceptable and meet the requirements of SCS policy D16 and SWCS policy DM3.
- 6.19 **Traffic Impact:** SCS policy D10 (Managing the Transport Impacts of Development) states that development proposals that will have a significant transport impact should among other things:
 - ensure provision is made for inclusive, safe and convenient access;
 - provide safe access to roads of adequate standard within the route hierarchy; and
 - ensure that the expected nature and volume of traffic generated by the

development would not compromise the safety and / or function of the local or strategic road networks in terms of both volume and type of traffic generated.

- 6.20 SWCS policy DM6 (Waste Transport) states that planning permission will be granted for waste management development subject to the applicant demonstrating that, among other things:
- a) the proposed development will not have a detrimental impact on Somerset's local and strategic transport networks; or adequate and deliverable measures to mitigate such an impact are integrated within the proposal. A Transport Assessment and Travel Plan will be required for development that will generate significant transport movements; and
 - b) suitable access to the development is deliverable.

In addition, outside strategic waste zones applicants will be required to demonstrate that the proposed development is well connected (via suitable transport routes) to the community or business(es) that the development is intended to serve.

- 6.21 In this case the A39 County Freight Route is nearby via Skimmerton Lane or Durleigh Road / West Street. However, access via Skimmerton Lane is limited by the width of the route. The route to the site from Durleigh Road is largely also below 6m wide for approximately 1km, which limits the passing of HGVs and other vehicles.

- 6.22 Durleigh Parish Council would like to see restrictions over lorries using Skimmerton Lane. Following similar comments made in response to the original application in 1997, the applicant was required to sign up to a legal agreement to meet the costs incurred by the Council in making a Traffic Regulation Order to restrict the use of Skimmerton Lane by heavy goods vehicles. However, the alternative route would either be through the residential streets between Durleigh Road and the A39, or turning at the crossroads at the former West Gate into West Street, adding over 5km to the route from sites in West Somerset. The resulting Order attracted many objections and ultimately proved unsuccessful. There was previously no highway objection to the application, apart from limiting working hours and requiring vehicles to use the wheel wash. Although it has been suggested that a Traffic Management Plan may be conditioned on this occasion, it is considered inappropriate given the many years that active development has been at the Spaxton Road sites and the limited period remaining.

- 6.23 Durleigh Parish Council has also raised concerns over the use of the wheelwash and mud on the road. At a recent site visit the access track within the site was muddy in places so exiting vehicles, having used the wheel wash, may still leave limited deposits on the highway.

- 6.24 The route to the site does not fully meet the requirements of SCS policy D10 and SWCS policy DM6 insofar as Spaxton Road is of limited width. However, there are expected to be a limited number of HGV movements to and from the site. Despite the limitations of the roads in the area, it is important that the landfill site is completed. Therefore, it is recommended that the

permission is extended until the end of 2017 plus one year for restoration of the landfill and soil storage sites.

7. Conclusion

- 7.1 The planning applications relate to an extension of one year for the further importation, storage and spreading of soils to complete a previously permitted landfill site off of Spaxton Road to the west of Bridgwater.
- 7.2 The application sites are relatively isolated and largely screened from the south, but a number of properties at distance to the north and east have views of the landfill site and the site activities; however, the properties to the east are most affected. The completion of the development involves the distribution of soils across the site to an appropriate depth and profile. The applicant anticipates that this may be achieved within the next 12 months.
- 7.3 The soil storage site is partially screened by a bund on its northern edge, trees to the east and hedgerows to the south. On completion, the landfill and soil storage sites would be returned to agriculture and would blend into the wider countryside and meet the requirements of SCS policy D14 and SWCS policy DM4.
- 7.4 Noise from site operations is limited to $L_{eq}(15 \text{ minute})$ 45 dB(A) at any residential garden boundary, the closest to the landfill site being Clayhill Cottages. Previous noise monitoring undertaken by the County Council's Acoustics Officer revealed that irregular levels of noise that can occur at the landfill site as activities at the site are not continuous. The completion of the development at the landfill site requires the deposit and spreading of soil (rather than rubble) for site restoration purposes. It is important that the site activities are completed so the site may be restored to productive and beneficial agricultural use.
- 7.5 Activities associated with the delivery and deposit of materials at the soils storage site by lorry were found unlikely to reach the permission limit. Noise from the use of a slew and power screen together was also found not to be distinct other than for occasional slight clatter. Noise from activities associated with the delivery / deposit of materials would not be sufficient to support an objection to this application. It is expected that the landfill and soil storage developments would meet the requirements of SCS policy D16 and SWCS policy DM3.
- 7.6 Although close to the A39 County Freight Route, access via Skimmerton Lane is limited by the width of the route. Durleigh Parish Council would like to see the use of Skimmerton Lane restricted. However, a Traffic Regulation Order was proposed in 1997 to restrict the lane's use by heavy goods vehicles but attracted many objections and ultimately proved unsuccessful.
- 7.7 The route to the site from Durleigh Road is also largely below 6m wide which can limit the passing of HGVs and other vehicles despite passing places along the route.

- 7.8 Durleigh Parish Council has also raised concerns over mud on the road. At a recent site visit the access track was muddy, and vehicles that used the wheel wash would collect mud (albeit of limited scale) and may deposit it on the highway. A condition is proposed relating to the maintenance of the access route and the cleaning of vehicles prior to their entry onto the highway.
- 7.9 The route to the site does not fully meet the requirements of SCS policy D10 and SWCS policy DM6. However, despite the limitations of the roads in the area, it is important that the landfill site is completed. Therefore, it is recommended that the permission is extended until the end of 2017 plus one year for restoration of the landfill and soil storage sites.
- 7.10 There are no other material considerations and my recommendation is that conditional permissions are granted.

8. Recommendation

- 8.1 **It is recommended that the planning permissions be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance:**

1/13/16/049 Landfill Site

1. Temporary Permission

- (i) The development shall not be commenced until a revised Tree Replacement and Hedge Planting Scheme has been approved in accordance with condition 5(iii).
- (ii) There shall be no deposit of waste soils at the site after 31 December 2017.
- (iii) The site shall be restored in accordance with condition 5.

Reason: To ensure that the site is reclaimed to a satisfactory after-use within a reasonable period of time.

2. The development hereby permitted shall be completed in accordance with the details shown on the previously approved plans (drawing numbers 9957-1; 9957-2; and 9957-3).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

3. Working Hours

No operations or uses authorised or required by this permission shall be carried out on the site except between the following times: -

- 0800 hours and 1700 hours Mondays to Fridays; and
- 0800 hours and 1300 hours Saturdays.

There shall be no working on Sundays, Bank Holidays or National

Holidays.

Reason: To minimise disturbance to neighbours and the surrounding area.

4. Plant Activity

- (i) There shall be no movement or use of vehicles or plant on the site outside of the permitted working hours.
- (ii) There shall be no movement or use of a bulldozer on the site prior to 0900 hours on any day.

Reason: To minimise the nuisance from noise in the interests of the amenities of neighbouring properties.

5. Final Landform and Restoration

- (i) Finished level markers shall be erected and maintained for the duration of the development hereby permitted to delineate the permitted site levels as previously permitted and set out in drawing numbers 9957-1; 9957-2; 9957-3. There shall be no tipping of uncontaminated soils above the finished level markers.
- (ii) The landfill site shall be evenly graded to a smooth profile and covered with uncontaminated topsoil to a depth of 300mm before 1 January 2018.
- (iii) A revised tree planting and hedge replacement scheme and details of grass seeding (including the grass seed mix and timing), including a 5 year maintenance period, shall be submitted to the Waste Planning Authority for its written approval. The scheme shall set out how completion of tree replacement and hedge planting shall be effected before 1 January 2019 and shall be carried out as approved.

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

Note to Applicant

Submission of Article 27 Applications – Before the submission of any requests for Confirmation of Compliance with Planning Conditions (i.e. Article 27 Applications for the written confirmation of discharge of a condition) you are advised to contact the Waste Planning Authority to discuss matters arising from the imposition of any condition attached to this planning certificate, that requires the further submission of details for the written approval of the Waste Planning Authority.

You are advised that the Waste Planning Authority will not approve any Article 27 Application that is found to be deficient of information needed to meet the requirements of the condition.

Also, in the event that the application is deficient of information and following notification to the developer of the measures necessary to remedy the situation, the Waste Planning Authority will refuse to confirm compliance with a condition if this cannot reasonably be achieved within the authority's target 8

week timescale, beginning with the date of the receipt of the original request.

Be advised that after the Waste Planning Authority have issued such refusal to confirm compliance with a condition, any additional request for confirmation that a revised detail achieves compliance with a condition shall be charged as if it were the first such request; there is no discount or 'free go' in this context.

6. Imported Materials

No material other than uncontaminated subsoil and topsoil shall be deposited on the site.

Reason: To minimise the risk of pollution.

7. Access

The existing entrance, visibility splay and access track up to and including the wheel wash shall be maintained in a clean condition and free from mud for the duration of the development hereby permitted.

Reason: In the interests of highway safety.

8. Wheel Wash

- (i) The wheel wash facility shall be used by all heavy goods vehicles and plant exiting the site. The sign reminding drivers of the need to use the wheel-wash shall be maintained in a clear and legible condition for the duration of the development hereby permitted.
- (ii) No heavy goods vehicles and plant shall enter the public highway unless its wheels and chassis are cleaned to ensure that no materials from the site are deposited within the public highway.

Reason: To prevent mud and dust being deposited on the highway in the interest of highway safety.

9. Plant

No skips, plant or machinery, other than that required for site restoration purposes, shall be stored on the site.

Reason: To safeguard the visual amenities of the area and of local residents.

10. Noise Level

Noise from site operations when considered as a free field noise level at the garden boundary of any property shall not exceed Leq(15 minute) 45dB(A).

Reason: To minimise the nuisance from noise in the interest of the residential amenities of the adjoining properties.

1/13/16/050 Soil Storage Site

1. Temporary Permission

- (i) There shall be no deposit of waste soils at the site after 31 December 2017.
- (ii) The site shall be restored on or before 31 December 2018.

Reason: To ensure that the site is reclaimed to a satisfactory after-use within a reasonable period of time.

- 2.** The development hereby permitted shall be limited to within the site identified by drawing "Figure 2. Planning Permission Plan" (Terraqueous Ltd, File name EPA_02.DWG, dated 06/02/14, scale 1:2500).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

3. Working Hours

No operations or uses authorised or required by this permission shall be carried out on the site except between the following times:

- 0800 hours and 1700 hours Mondays to Fridays; and
- 0800 hours and 1300 hours Saturdays.

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

Reason: To minimise disturbance to neighbours and the surrounding area.

4. Access

The existing entrance, visibility splay and access track up to and including the wheel wash shall be maintained in a clean condition and free from mud for the duration of the development hereby permitted.

Reason: In the interests of highway safety.

5. Wheel Wash

- (i) The wheel wash facility shall be used by all heavy goods vehicles and plant exiting the site. The sign reminding drivers of the need to use the wheel-wash shall be maintained in a clear and legible condition for the duration of the development hereby permitted.
- (ii) No heavy goods vehicles and plant shall enter the public highway unless its wheels and chassis are cleaned to ensure that no materials from the site are deposited within the public highway.

Reason: In the interest of highway safety and to prevent mud and dust being deposited on the highway.

6. Importation of Materials

- (i) No material other than uncontaminated subsoil and topsoil shall be imported to and deposited at the site.
- (ii) Soil storage mounds shall not exceed 3 metres in height and have a minimum 3 metres stand-off area, undisturbed around each storage

- mound; and,
- (iii) The storage mounds shall not be subsequently moved or added to until required for the adjacent landfill site restoration purposes.

Reason: To minimise the risk of pollution and to prevent the loss of soil and minimise damage to soil structure during storage.

7. Plant

No skip, plant or machinery (other than that required to level the nearby landfill site), shall be stored on the site.

Reason: To safeguard the visual amenities of the area and of local residents.

8. Noise Level

Noise from site operations when considered as a free field noise level at the garden boundary of any property shall not exceed
Leq (15 minute)45dB(A).

Reason: To minimise the nuisance from noise in the interest of the residential amenities of the adjoining properties.

9. Site Restoration

- (i) All topsoil stripped from the site and stored in the adjacent bund shall be retained on site for use in the restoration of the soil storage site.
- (ii) The site shall be grass seeded in the first available planting season following the completion of the re-spreading of the topsoil stored on site.

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans and to minimise structural damage and compaction of the soil and to aid final restoration of the site.

Relevant Development Plan Policies

1. The following is a summary of the reasons for the County Council's decision to grant planning permissions.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on these applications should be taken in accordance with the development plan unless material considerations indicate otherwise. The decisions have been taken having regard to the policies and proposals in:
 - Sedgemoor Core Strategy, adopted in May 2013, and
 - Somerset Waste Core Strategy, adopted in February 2013.The policies in those Plans particularly relevant to the proposed developments are:

1/13/16/049

Sedgemoor Core Strategy

D10 (Managing the Transport Impacts of Development) – The HGV traffic generated by the development has the potential to compromise the function of the local road network to only a limited extent due to its limited standard.

D14 (Natural Environment) – The application proposal would complete the landfill works and enhance the landscape of the area. It would have a positive impact on the local landscape character and scenic quality from nearby properties.

D16 (Pollution Impacts of Development and Protecting Residential Amenity) – The short-term development would have a limited impact at nearby residential properties.

Somerset Waste Core Strategy

WCS2 (Recycling and Reuse) – The inert landfill development would enable an area of land to be used more effectively for agriculture.

DM3 (Impacts on the Environment and Local Communities) – The proposed development will not generate a significant adverse impact from noise or traffic to adjoining land uses and those in close proximity to the development.

DM4 (Site Restoration and Aftercare) - The proposal is not a permanent use of the land and will be subject to acceptable restoration.

DM6 (Waste Transport) - The site is not well connected to the strategic highway network, and access routes limit the passing of HGVs and other vehicles. Nevertheless, it is important to complete the restoration of the previously permitted sites to agriculture and the number of HGV movements will be limited in number and duration.

1/13/16/050

Sedgemoor Core Strategy

D10 (Managing the Transport Impacts of Development) – The HGV traffic generated by the development has the potential to compromise the function of the local road network to only a limited extent due to its limited standard.

D14 (Natural Environment) – The application proposal would assist in the completion of the nearby landfill and enhance the landscape of the area. After restoration it would have a positive impact on the local landscape character and scenic quality from nearby properties.

D16 (Pollution Impacts of Development and Protecting Residential Amenity) – The short-term development would have a limited impact at nearby residential properties.

Somerset Waste Core Strategy

WCS2 (Recycling and Reuse) – The soil storage would enable the nearby landfill to be completed and used more effectively for agriculture.

DM3 (Impacts on the Environment and Local Communities) – The proposed development will not generate a significant adverse impact from noise or traffic to adjoining land uses and those in close proximity to the development.

DM4 (Site Restoration and Aftercare) - The proposal is not a permanent use of the land and will be subject to acceptable restoration.

DM6 (Waste Transport) - The site is not well connected to the strategic highway network, and access routes limit the passing of HGVs and other vehicles. Nevertheless, it is important to complete the restoration of the previously permitted sites to agriculture and the number of HGV movements will be limited in number and duration.

3. The County Council has also had regard to all other material considerations.

4. **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2012.**

In dealing with these planning applications 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. These proposals have 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 proposals were sought when the statutory determination timescale allowed.

Background Papers

Planning Application file nos. 1/13/16/049 and 1/13/16/050
Sedgemoor Core Strategy (September 2011)
Somerset Waste Core Strategy (February 2013)
National Planning Policy Framework (2012)
National Planning Policy for Waste (2014)

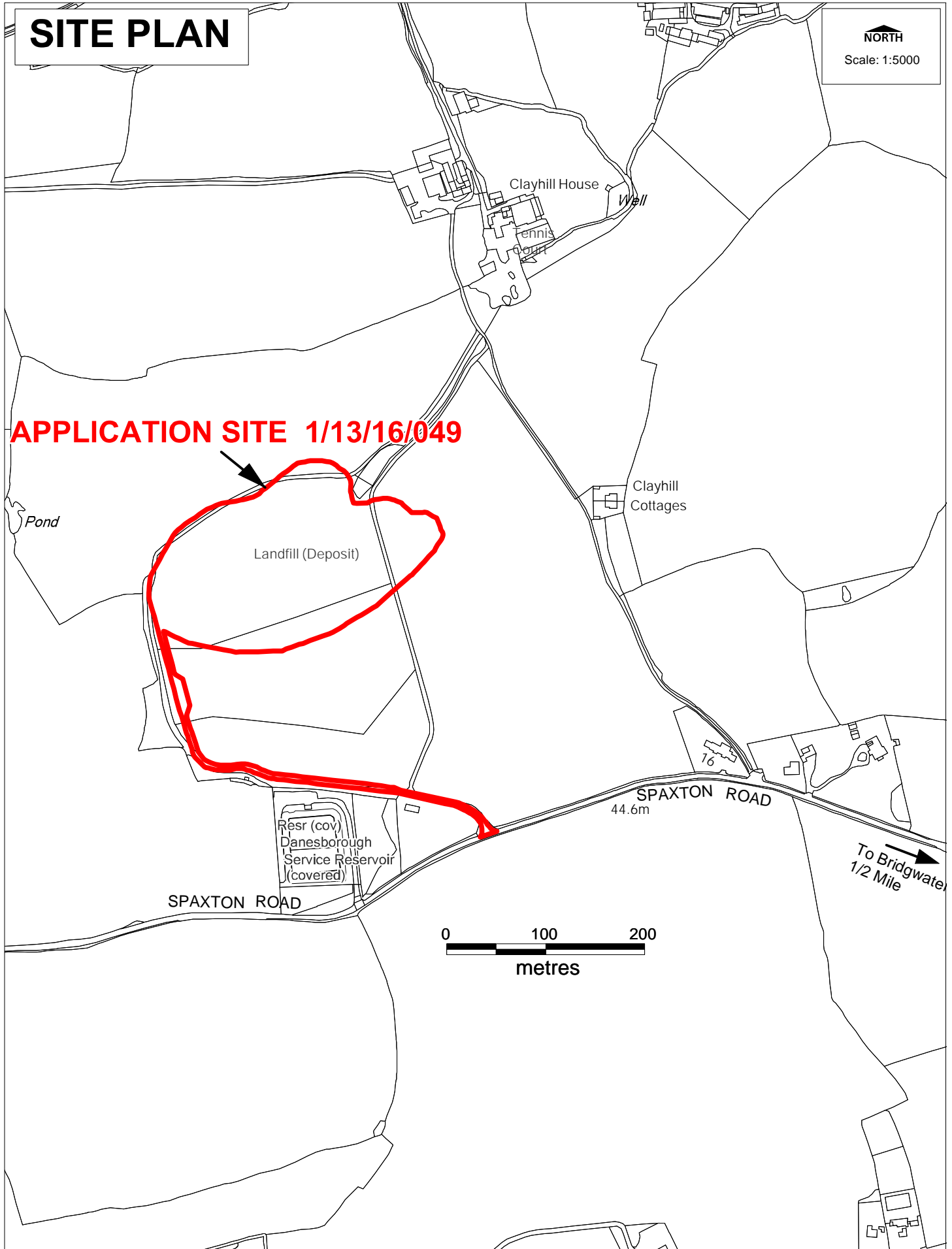
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**APPENDIX
SITE HISTORY – WASTE ACTIVITIES ON LAND AT CLAYHILL FARM,
NORTH OF SPAXTON ROAD, BRIDGWATER**

Application no. (and date registered)	Description	Outcome
A. Landfill site		
1/13/90/002	Infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use (as amended by agents' letter dated 5 February 1990 and revised Plan drwg no. M/925/1A)	Conditional Permission
1/13/91/010	Infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use (as amended by agents' letter dated 29 November 1991 with attached revised plan ref. Drawing No. M/925/3B received by County Planning Authority on 2 December 1991 and further letter dated on 3 December 1991	Conditional Permission
1/13/92/005	Continued infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use as amended by applicant's agent's letter dated 29 November 1991 with attached revised plan ref Drawing No. M/925/3B received by the County Planning Authority on 2 December 1991 and to the modification of Condition No. 20 of planning permission no. 1/13/91/010	Conditional Permission
B. Landfill site		
1/13/92/011	Use of land at Clayhill Farm, Spaxton Road, Bridgwater as a landfill site, the excavation of topsoil and subsoil to an average depth of 500mm and infilling of existing hollows with builders rubble and excavated waste and restoration on completion to agricultural and forestry use as described in the plans and drawings submitted	Conditional Permission
1/13/94/034	Continued tipping of builders rubble and excavated waste (to complete previous landfill operation approved 19/08/92 ref. 1/13/91/010) on land at Clayhill Farm, Spaxton Road, Bridgwater (ST2643-3717, OS plot nos. 4300pt, 3214pt, 4833pt 5000pt.)	Conditional Permission

C. Landfill site		
1/13/95/002 (26 Jan.1995)	Stripping of topsoil / subsoil and storage on site together with the tipping of inert builders rubble and excavated waste on land at Spaxton Road, Bridgwater and restoration on completion to agricultural use	Conditionally Permitted
1/13/98/021 (18 Sept.1998)	S.73 application to vary Condition 1 of Planning Permission 1/13/95/002 (dated 21/04/95) to continue the stripping of topsoil/subsoil and storage on site together with the tipping of inert builders rubble and excavated waste until 30/12/2001 and restoration on completion to agricultural use	Conditionally Permitted
1/13/01/021 (11 Dec.2001)	S.73 application to vary condition no: 1 of permission no: 1/13/98/021 (dtd 7/12/98) for the continued stripping of topsoil / subsoil & storage on site together with the tipping of inert builders rubble & excavated waste until 31/12/06, & restoration upon completion to agricultural use	Conditionally Permitted
1/13/06/037 (05 Dec.2006)	Variation of planning permission 1/13/01/021 to allow the continued importation of waste for site restoration purposes for a period of 10 years	Conditionally Permitted
1/13/07/042 (20 Aug.2007)	Proposed variation of condition no 2 of planning permission no 1/13/07/037 (dated 02.04.07) (for the continued importation of rubble and excavated materials for site restoration purposes) to permit operations from 0800 hours	Conditionally Permitted
1/13/16/049 (25 Oct.2016)	Section 73 application - Variation of Condition 1 of permission No. 1/13/07/042 (For the importation of rubble and excavated materials for site restoration purposes) until 31 December 2017	To be determined
D. Crusher Site		
1/13/97/010	Use of land for storage of hardcore for recycling (site to be used in conjunction with existing landfill site in the vicinity) at land at Spaxton Road, Bridgwater, Somerset	Withdrawn
1/13/97/018 (27 Aug.1997)	Temporary use of land for the storage, crushing and recycling of hardcore (site to be used in conjunction with existing landfill site in the vicinity) on land at Spaxton Road, Bridgwater	Conditionally Permitted
1/13/98/020 (27 Aug.1998)	S.73 application to vary Condition 1 of Planning Permission 1/13/97/18 (dated 21/08/98) for the continued use of land for the storage, crushing and recycling of hard core until 30/12/2001	Conditionally Permitted
1/13/01/020 (10 Dec.2001)	S.73 application to vary condition no: 1 of permission no: 1/13/98/020 (dtd 7/12/98) for the continued use of land for the storage, crushing and recycling of hardcore until 31/12/06	Conditionally Permitted

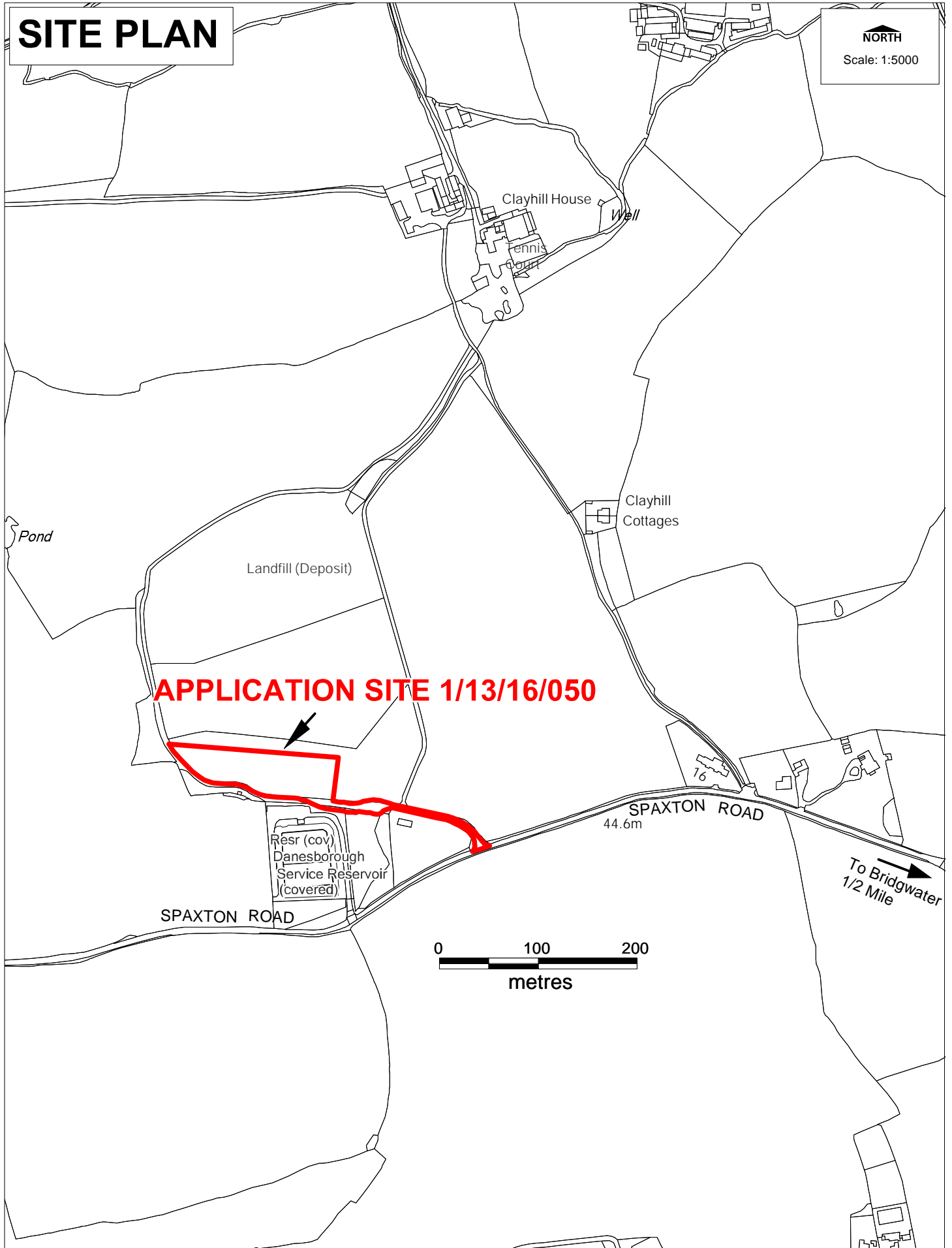
1/13/06/036 (05 Dec.2006)	Variation of planning permission 1/13/98/020 to allow the continued use of land for storage, crushing and recycling of hardcore	Conditionally Permitted
1/13/07/041 (14 Aug.2007)	Proposed variation of condition 2 of planning permission no 1/13/06/036 (dated 30.03.07) (for the storage, crushing and recycling of hardcore) to permit operations from 0800 hours (rather than 0900 hrs) Mondays to Saturdays	Withdrawn
1/13/08/010 (18 Feb.2008)	Continued use of land for the storage, crushing and recycling of hardcore	Conditionally Permitted
1/13/16/051 (25 Oct.2016)	Section 73 Application - Variation of Condition No.1 of Permission No. 1/13/08/010 (for the storage, crushing and recycling of hardcore) until 31 December 2017	To be determined
E. Soil storage site		
1/13/07/029 (30 Apr.2007)	Storage of top and subsoil for subsequent site restoration purposes	Conditionally Permitted
1/13/07/043 (20 Aug.2007)	Proposed variation of condition no 2 of planning permission no 1/13/07/029 (dated 05.07.07) (for the storage of top and subsoil for site restoration purposes) to allow operations from 0800 hours (not 0900 hrs) Mondays to Saturdays	Conditionally Permitted
1/1/3/16/050 (25 Oct.2016)	Section 73 Application - Variation of Condition No.1 of permission No. 1/13/07/043 for the storage of topsoil and subsoil for site restoration purposes) until 31 December 2017	To be determined



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SITE PLAN

NORTH
Scale: 1:5000



APPLICATION SITE 1/13/16/050

0 100 200
metres

To Bridgwater
1/2 Mile



Philip Higginbottom
Service Manager
Planning Control, Enforcement & Compliance
Community & Environmental Services
Somerset County Council
County Hall TAUNTON TA1 4DY

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Site Name:
Spaxton Road, Bridgwater

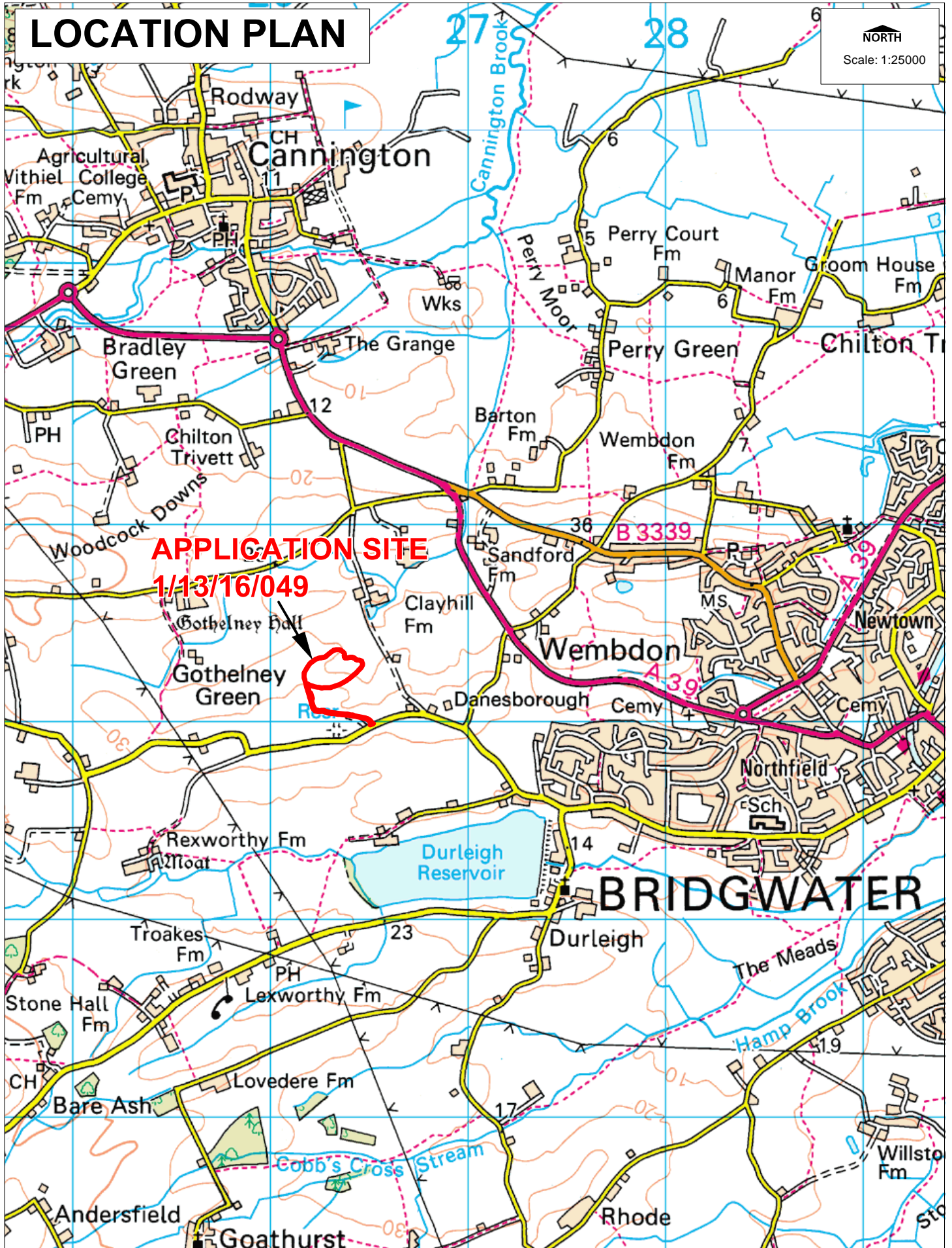
Planning Control
Drawn by: P Silvers

Dated: 24 March 2017

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LOCATION PLAN

NORTH
Scale: 1:25000



APPLICATION SITE
1/13/16/049

BRIDGWATER

 Philip Higginbottom
 Service Manager
 Planning Control, Enforcement & Compliance
 Community & Environmental Services
 Somerset County Council
 County Hall, TAUNTON TA1 4DY

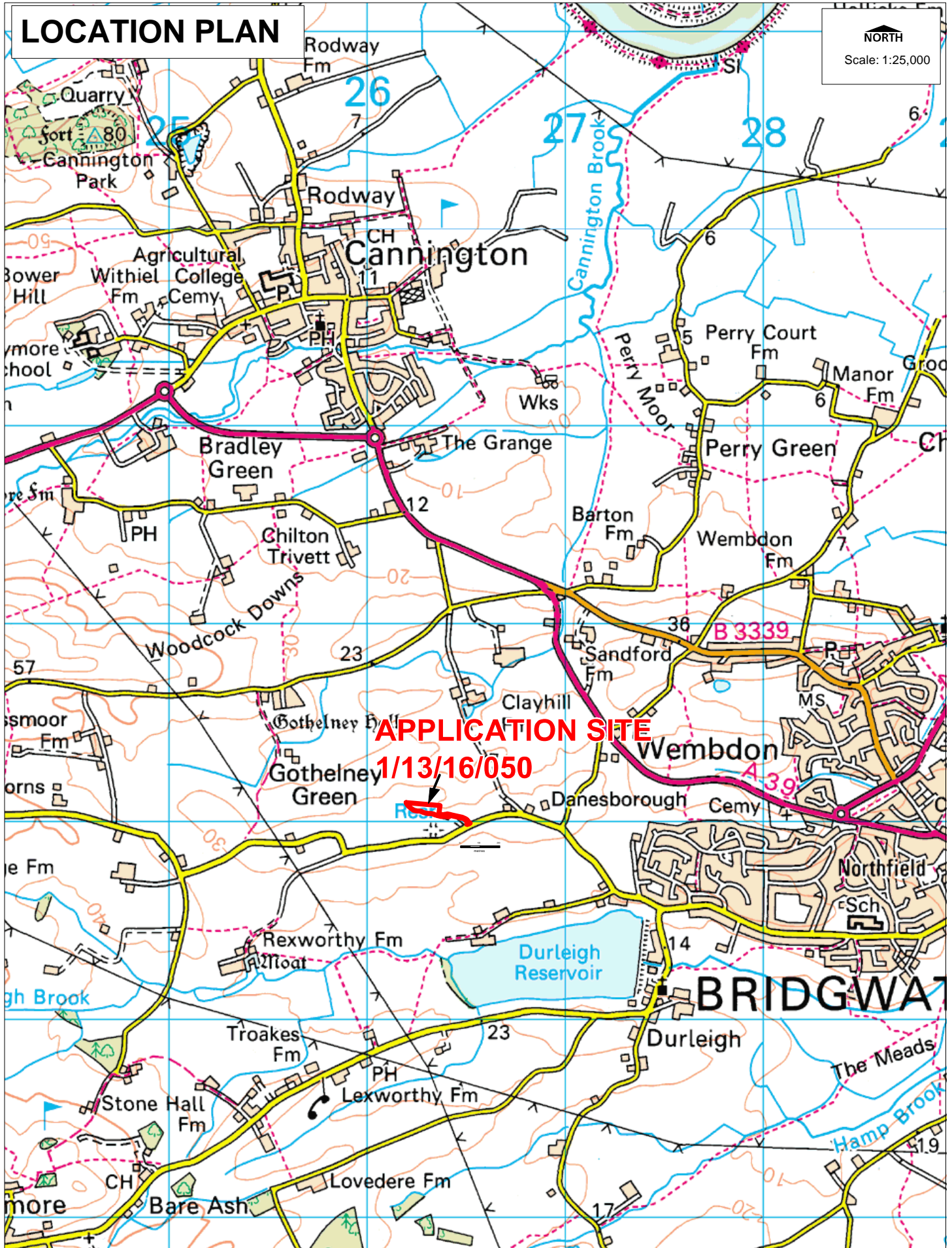
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Site Name:
 Spaxton Road, Bridgwater

Planning Control
 Drawn by: P Silvers

Dated: 24 March 2017

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Somerset County Council

Regulation Committee – 6 April 2017

Report by Service Manager –

Planning Control, Enforcement & Compliance: Philip Higginbottom

Application Number: 1/13/16/051
Date Registered: 25 October 2016
Parish: Cannington & Durleigh
District: Sedgemoor
Member Division: Cannington
Local Member: Cllr John Edney
Case Officer: Bob Mills
Contact Details: rwills@somerset.gov.uk
tel: 01823 356019

Description of Application: **SECTION 73 APPLICATION – VARIATION OF CONDITION NO. 1 OF PERMISSION NO. 1/13/08/010 (FOR THE STORAGE, CRUSHING AND RECYCLING OF HARDCORE) UNTIL 31 DECEMBER 2017.**

Grid Reference: 326409 - 137062
Applicant: S Roberts & Son (Bridgwater) Ltd
Location: Land at Spaxton Road, Bridgwater

1. Summary of Key Issues and Recommendation(s)

- 1.1 **The application relates to an existing hardcore crushing and recycling site. The application seeks to extend the operations at the site for 1 year until 31 December 2017 with a further year for site restoration.**
- 1.2 **The main issues to be taken into account are:**
- **Noise Impact;**
 - **Traffic Impact; and**
 - **Visual Impact.**
- 1.3 **It is recommended that planning permission is REFUSED for the reasons set out in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Service Manager, Planning Control Enforcement & Compliance.**

2. Description of the Site

- 2.1 The site access is on the north side of Spaxton Road approximately 0.5km west of Skimmerton Lane. The application site area is located approximately 100m northwest of the access point onto Spaxton Road.
- 2.2 The 0.47 ha site is located within an undulating landscape on the north-eastern fringes of the Quantock Hills. The boundary of the Quantock Hills AONB is about 3.5 km distant to the south and west. Within this landscape are irregular, medium-sized fields, generally bounded by hedgerows, often on top of banks. Woodlands are generally sparse. Narrow winding lanes link farmsteads and settlements.
- 2.3 At Clayhill Farm several medium sized fields to the north have been merged together as a result of the landfill activities causing the removal of hedgerows. Woodlands are generally sparse, but a small copse is located at the eastern edge of the nearby landfill site and another alongside the covered Danesborough service reservoir off of Spaxton Road.
- 2.4 The site comprises a hardcore track and land on relatively flat terrain at the top of a north-facing slope. The access track passes alongside the crusher site to its south and follows the edge of the field, passing an adjoining soil processing/storage area to the west of the application site, to a landfill site at the bottom of the slope. A wheel wash is located alongside the access track to the south of the application site.
- 2.5 The operational site measures approximately 105m x 40m wide. A length of hedgerow, containing mainly ivy-clad dead elm and ash trees, forms the eastern edge of the site. A new hedgerow has been planted extending northwards from the end of these trees to the small copse located at the eastern end of the landfill site, about 100m to the north.
- 2.6 The closest properties are no's 1 and 2 Clayhill Cottages which are approximately 260m to the northeast of the site, and no. 16 Spaxton Road which is approximately 275m to the east.

3. Site History

- 3.1 In 1998 the site was granted temporary planning permission (ref. 1/13/97/018) for its use in the storage, crushing and recycling of hardcore. The temporary permission relating to this activity was renewed in 2001 (ref. 1/13/01/020), and again in 2006 (ref: 1/13/06/036). It expires at the end of 2017. No importation of hardcore and crushing is permitted after 31 December 2016. The attached Appendix outlines the history of the waste related developments at and adjacent to the crusher site.
- 3.2 The crusher site permission was originally associated with the nearby landfill site. However, the crusher site is no longer required to assist in the raising of levels on the landfill site.

- 3.3 A soils storage site is adjacent to the west, containing topsoil and subsoil for site restoration purposes at the landfill site approximately 80m to the north. A screener was also noted as on the site.
- 3.4 In 2007, section 73 applications for the landfill site and soil storage activities sought to commence at 0800 – an hour earlier than had previously been the case. However, because of inaccurate site plans, a section 73 application to bring forward the start time at the storage, crushing and recycling site was not registered. It was subsequently recognised that the operations on this site had spread beyond the previously permitted site boundaries.
- 3.5 An application was submitted in February 2008 (no. 1/13/08/010) that sought the continued use of land for the storage, crushing and recycling of hardcore. Permission was granted in June 2008. Condition 1 of the permission granted the hardcore crushing activity until 31st December 2016, and with an expiry date of the 31st December 2017. As with the soil storage and landfill sites, the site would be subject to restoration during 2017. The dates permitted mirror those for the landfill and soil storage sites. A permitted tree planting and hedge replacement scheme would enable restoration of the site to a small deciduous woodland.
- 3.6 Operations were permitted between 0800 and 1700 hours Mondays to Fridays; and between 0800 hours and 1300 hours on Saturdays. However, there would be no operation of the crusher before 0900 hours, and no working on Sundays, Bank Holidays or National Holidays. No more than 28 days of crushing was permitted at the site per year.
- 3.7 It was required that the boundary of the site be clearly and accurately identified by the use of a sturdy fence, concreted into the ground or otherwise securely installed so that its location is fixed. No materials were to be stored outside of the permission area. However, at a recent site visit no fence was in place. (Regularisation of non-compliance with the condition requiring fencing is being held in abeyance pending the outcome of this planning application.) The height of materials stockpiled on the site was limited to a maximum of 6 metres and comprise solid, non-hazardous, construction and demolition wastes consisting of uncontaminated concrete, tiles, brick and rubble.
- 3.8 Noise from crushing operations at the garden boundary of any residential property was limited to $L_{eq}(15\text{minute})$ 50dB(A) and at all other times should not exceed $L_{eq}(15\text{minute})$ 45 dB(A). It was also conditioned that during crushing operations the operator should use stockpiles of unprocessed and/or processed materials on the site to provide an acoustic barrier between the operations and the closest residential properties.

4. The Proposal

- 4.1 This application seeks to continue the use of the previously permitted site for the storage, crushing and recycling of hardcore for an additional year to 31 December 2017, with a further year for site restoration. The operational arrangements are not proposed to change.
- 4.2 Applications have also been received to extend the life of the adjacent soil storage and landfill sites for a similar period.
- 4.3 **Application Documents:** The application comprises;
- Application form, etc.;
 - Documents:
 - Planning Statement for Planning Permissions – 1/13/08/010, Variation of condition 1, September 2016 (S Roberts & Son);
 - Drawings:
 - Figure 2: Planning Permission Plan (Terraqueous Ltd, File name EPA_02.DWG, scale 1:2500, dated 06/02/14).
- 4.4 **Screening Opinion:** The crushing of hardcore is not an activity contained within schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Therefore the proposed development is not regarded as 'EIA development'.

5. Consultation Responses Received

- 5.1 **Sedgemoor District Council:** NO OBJECTION.
- 5.2 **Cannington Parish Council:** SUPPORTS.
- 5.3 **Durleigh Parish Council:** The main concern is the use of Skimmerton Lane, which is a narrow single track lane linking Spaxton Road and the A39. The lane is not suitable for HGVs and there is an increase in traffic flow due to Hinkley Point C.
- The Parish Council recommends that there is a condition imposed that the applicant's vehicles do not use this lane due to their size, difficulty in reversing, subsequent congestion and contribution to deterioration in the road surface and borders. Residents have experienced abuse from un-cooperative drivers when there is congestion.
 - Vehicles travelling from the site should not deposit mud and dust on the carriageway and thus cause hazards to other road users.
 - There is no reference to hours of operation. It is believed there are conditions for this, and these are not being adhered to. It is recommended that these are re-enforced.
- 5.4 **Environment Agency:** No comments received.

5.5 Local Highway Authority: NO OBJECTION.

- The application seeks to extend the permission by a further 12 months.
- Spaxton Road and Skimmerton Lane are classified un-numbered roads subject to the national speed limit, but given their rural nature it would be expected that the average speeds are not of this nature along most of their length.
- Having reviewed the recorded Personal Injury Accidents for the last five years there are a number at the Skimmerton Lane / Quantock Rd (A39) junction, although the majority appear to be due to driver error.
- As rural roads, both roads are reduced to single lane in places, but there are a number of informal passing places along their length.
- This site appears to have been operational for a number of years.
- However, the submitted information does not state what the existing level of vehicle movement is at the moment nor is there any information on how this will reduce over the coming months.
- Having considered local concerns, and to ensure that HGV movements do decrease, a condition requiring a Traffic Management Plan could be imposed.
- There is no highway objection to the proposal.

5.6 Public Comments: The landowner has objected to the application.

- One further comment was received from a resident of Spaxton Road asking that the application be refused, indicating that local people have suffered for a number of years from the effects of this activity, e.g., periods of intense HGV traffic on unsuitable highways (Durleigh Road, Skimmerton Lane and Spaxton Road), the loss of visual amenity, and noise and dust from the activity itself.

6. Comments of the Service Manager

6.1 The planning application relates to an extension of the period of use of a crusher site off of Spaxton Road for one year.

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 Sedgemoor Core Strategy (SCS, adopted May 2013) and the Somerset Waste Core Strategy (SWCS, adopted February 2013). Also taken into account is the National Planning Policy for Waste (October 2014).

6.3 **National Policy:** The revised European Waste Framework Directive includes a target to recover at least 70% of construction and demolition (C&D) waste by 2020. The National Planning Policy for Waste states that when determining waste planning applications, Waste Planning Authorities should recognise that proposals for waste management facilities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy. In addition, waste planning authorities should consider the likely

impact on the local environment and on amenity, and ensure that waste management facilities are well-designed, so that they contribute positively to the character and quality of the area in which they are located. Waste planning authorities should also work on the assumption that the relevant pollution control regime will be properly applied and enforced, and ensure that waste sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards.

- 6.4 **Local Policy:** Re-use and recycling of inert construction and demolition (C&D) waste is projected to increase during the plan period. This can be achieved by a variety of means, such as:
- off-site re-use, for example in the justifiable remodelling of agricultural land; and
 - off-site re-use and recycling via treatment at licensed or exempt facilities.
- SWCS policy WCS5 identifies the location of strategic waste sites. However, whilst one such site is located at Bridgwater, the application site is to the west and outside of the allocated strategic zone.
- 6.5 SWCS policy WCS2 (Recycling and Reuse) states that planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste subject to the applicant demonstrating that the proposed development will be in accordance with Development Management policies. No submissions have been received to demonstrate compliance.
- 6.6 Policy DM1 (Basic Location Principles) states that planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies. Waste management development will normally be located on sites including existing waste management sites, sites with planning permission for waste management facilities and sites allocated for waste-related uses. The use of unallocated greenfield land will be strictly controlled and limited in accordance with the Development Plan.
- 6.7 In this case, the site is not well connected to the strategic transport network due to the restricted width of the approach roads. Whilst the temporary crusher site had been previously permitted, the landfill site is currently being completed by the deposit of soils and the crusher is no longer required in the raising of the landfill site area.
- 6.8 The Supporting Statement states that the proposed extension is necessary to be able to restore the site as the hardcore track and working platform will need to be removed / screened and recycled to return the site to required levels and specifications. However, the stone may be transported elsewhere for this purpose (if necessary). The continued use of the application site for the storage, crushing and recycling of hardcore is regarded as no longer required for the adjacent landfill development and therefore contrary to policies WCS2, WCS5 and DM1.

- 6.9 **Noise Impact:** SCS policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) states that development proposals that are likely to result in levels of noise pollution that would be harmful to other land uses, human health, tranquillity, or the built and natural environment will not be supported.
- 6.10 SWCS policy DM3 (Impacts on the Environment and Local Communities) states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate a significant adverse impact from, among other things, noise, dust, traffic or visual amenity to adjoining land uses and users, and those in close proximity to the development.
- 6.11 An acoustics report from December 2007 indicated that the applicant had contended that the recycling operations generated similar noise levels to those from the landfill site. However, measurements undertaken in 2007 indicated the crusher would produce noise levels of 58dB(A) at the closest properties. The acoustics advisor took the view that periods of noise detracted from the local amenities, and efforts should be made to minimise the level of noise by careful site design to provide acoustic screening.
- 6.12 Consequently a planning condition was attached to the previous permission that required that noise from crushing operations shall not exceed Leq(15 minute) 50dB(A) at the garden boundary of any residential property, and that the operator should use stockpiles to provide an acoustic barrier between the operations and the closest residential properties in order to achieve compliance with the restrictive noise condition. As a part of the consideration of this application, an occupier at Clayhill Cottages, where background noise levels are lower than for properties alongside Spaxton Road, and another local resident have indicated that noise from the crusher activity has been intrusive. During a recent site visit it was evident that the noise mitigation measure was not present. However, the County Council has not been previously contacted regarding noise issues and has not received noise complaints. Regularisation of the site layout is held in abeyance pending the outcome of this application.
- 6.13 Whilst the development was initially regarded as acceptable, subject to conditions, the crusher is no longer required for the development of the landfill site. Therefore its use at the site may be regarded as obsolete and unnecessary. Given the application seeks the continued use of greenfield land, the proposal is regarded as unsustainable and contrary to SWCS policy DM1.
- 6.14 **Traffic Impact:** SWCS policy DM6 (Waste Transport) states that planning permission will be granted for waste management development subject to the applicant demonstrating that (among other things):
- a) the proposed development will not have a detrimental impact on Somerset's local and strategic transport networks; or adequate and deliverable measures to mitigate such an impact are integrated within the proposal. A Transport Assessment and Travel Plan will be required for

development that will generate significant transport movements; and
b) suitable access to the development is deliverable.

In addition, outside strategic waste zones applicants will be required to demonstrate that the proposed development is well connected (via suitable transport routes) to the community or business(es) that the development is intended to serve.

- 6.15 The highways in the immediate vicinity of the site access are generally less than 6m wide which creates difficulties for opposing vehicles to pass HGVs visiting the site, thereby having a negative impact on the local transport network.
- 6.16 A local resident has objected to the impact of HGV traffic on the unsuitable highways (i.e., Spaxton Road and Skimmerton Lane). Durleigh Parish Council would also like to see restrictions over lorries using Skimmerton Lane and Durleigh Hill (a country lane to the southeast of the nearby reservoir). The Parish Council has also raised concerns over the effectiveness of the wheelwash and mud on the road. In response to this concern having been raised recently, the applicant has been contacted and reminded of the need to keep vehicles clean when exiting the site. Further enforcement action is held in abeyance pending the outcome of this application.
- 6.17 The route for traffic from West Somerset, avoiding Skimmerton Lane, would either be through the residential area between Durleigh Road and the A39, or via the crossroads into West Street and Durleigh Road, adding over 5km to the journey. Following similar comments made in response to the original application in 1997, the applicant was required to sign up to a legal agreement to meet the costs incurred by the Council in making a Traffic Regulation Order to restrict the use of Skimmerton Lane by HGVs. The resulting Order attracted many objections and ultimately proved unsuccessful.
- 6.18 On the basis that there is no requirement for the crusher site to be located off Spaxton Road, it is an inappropriate location for a crusher and contrary to SWCS policies DM1 and DM6, and it is no longer shown to be well connected with the business it is intended to serve.
- 6.19 **Visual Impact:** SCS policy P6 (Development in the Countryside) states that development will be supported where it accords with other relevant policies contained in the Core Strategy that provide, exceptionally, for development in the countryside. Where development proposals in the countryside are not addressed by other policies of the Core Strategy, new development must relate to specific countryside needs, enhancement of the environment or where a countryside location is essential or more sustainable. In all cases development should benefit economic activity, maintain or enhance the environment, and provide opportunities for sustainable transport options where impacts are likely to be significant.
- 6.20 SCS policy D14 (Natural Environment) states that proposals should ensure

that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape features.

- 6.21 In this case, the crusher site does not relate to specific countryside needs. Views from the public road are largely screened by existing hedges and trees, and there are no public footpaths on the farmland surrounding the site. However, the hardcore storage, crushing and recycling activities are visible from several properties, although some are at a distance. The visual impacts will be most significant at the few local properties to the east of the site.
- 6.22 Whilst it is necessary to complete the landfill activities, the hardcore crushing activities no longer relates to the landfill site's needs. It also generates visual impacts on the local environment. It is therefore regarded as contrary to SCS policy P6 and cannot be supported.
- 6.23 **Other Impacts: Dust** – A local resident has objected on the basis of dust from the site. Given the distance to the closest properties, which is in excess of 250m, and the restricted dust creating activities being limited to 28 days per year, it is considered that dust is not likely to be a major issue.
- 6.24 There is the potential for the trees and hedgerows alongside the site to be affected. The dust on leaves can lead to a reduction in photosynthesis and diffusive resistance, and an increase in leaf temperature; making the tree more likely to be susceptible to drought. Dust may also exacerbate secondary stresses. However, the limited use of the crusher, and the removal of dust by rain or wind would reduce the impact.
- 6.25 The use of the crusher on the site may therefore be considered as potentially damaging to the nearby trees and hedgerows, although the re-imposition of the existing planning condition restricting crushing operations to no more than 28 days per year would reduce the dust impacts on the local ecology.

7. Conclusion

- 7.1 The planning application relates to a one year extension of time to an extant planning permission for the use of land for storage, crushing and recycling of hardcore on the site off of Spaxton Road.
- 7.2 SCS policy D16 and SWCS policy DM3 seek to ensure that development proposals do not result in levels of noise pollution harmful to other land uses or tranquillity and do not generate significant adverse impacts from noise, visual and dust impacts.
- 7.3 An acoustics report from December 2007 indicated that the crusher would produce noise levels of 58dB(A) at the closest properties. Although acoustic screening was required by condition to limit noise levels to 50dB during the crushing periods, it is not clear that this was always provided. Local residents have indicated the intrusive nature of noise from the crusher activity. This

alleged breach of planning control has only recently been brought to the Waste Planning Authority's attention, and regularisation of this, if deemed expedient in light of the decision made on this planning application, will be considered if planning permission is approved..

- 7.4 In addition, the crushing, deposit and spreading of hardcore is no longer required at the nearby landfill site so its use at this location is regarded as obsolete and unjustified. Therefore, the development is considered contrary to SWCS policy DM3.
- 7.5 SWCS policy DM1 requires waste management activities to be located at sites that are well connected to the strategic transport network. Policy DM6 require safe access to roads of adequate standard and the development to ensure that the traffic generated by the development is well connected to, and does not compromise the safety and/or function of the local or strategic road networks. A suitable access to the development is also required or adequate mitigation measures are integrated.
- 7.6 The site is not well connected to strategic highway routes. The highways in the immediate vicinity of the site are narrow country lanes, resulting in difficulties for opposing vehicles to pass HGVs visiting the site. Objections have been received referring to the impact of HGV traffic on Spaxton Road and Skimmerton Lane. As there is no longer any requirement for the crusher site to be located alongside the landfill and soil storage sites, the development is considered to be contrary to SWCS policy DM6.
- 7.7 SCS policy P6 requires development in the countryside to relate to specific countryside needs, enhancement of the environment or where a countryside location is essential or more sustainable. Development should also maintain or enhance the environment, and provide opportunities for sustainable transport options where impacts are likely to be significant. Policy D14 (Natural Environment) requires that proposals should enhance the landscape quality wherever possible or ensure there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape features.
- 7.8 Views from the highway are screened by hedges and there are no public footpaths in the vicinity of the site. Nevertheless, the site is visible to several surrounding properties although some are at distance and the activities would have little impact. However, the visual impacts are significant at the few local properties to the east of the site. There is limited potential for dust generated to also affect the nearby residential properties. There is the potential for the trees, etc., alongside the site to be affected, making them susceptible to drought or exacerbating secondary stresses, although the re-imposition of the planning condition that currently restricts the number of crusher operating days may address this concern.
- 7.9 There is no further need for the crusher to be contributing to the adjacent landfill site. It is also subject to complaints regarding noise, dust and traffic. However, the development is located in what is now considered, due to the lack of need at the nearby landfill site, an unsustainable location and no

longer required here. 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 refusal of the application.

8. Recommendation

8.1 It is recommended that planning permission be REFUSED for the following reasons and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Service Manager, Planning Control Enforcement & Compliance:

- 1. The storage and crushing of hardcore is not required to be located at the application site. Therefore, the proposal is regarded as contrary to SWCS policies DM1 and DM6.**
- 2. The application development site is not related to specific countryside needs or enhancement of the environment. In addition, it is not located at an essential or sustainable countryside location, and is therefore regarded as contrary to SCS policy P6.**

Relevant Development Plan Policies

1. The following is a summary of the reasons for the County Council's decision to grant 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:

- Sedgemoor Core Strategy, adopted in May 2013, and
- Somerset Waste Core Strategy, adopted in February 2013.

The policies in those Plans particularly relevant to the proposed development are:

Sedgemoor Core Strategy

P6 (Development in the Countryside) – The development does not relate to specific countryside needs, nor does it enhance the environment or require a countryside location.

D10 (Managing the Transport Impacts of Development) – The HGV traffic generated by the development has the potential to compromise the function of the local road network due to its limited standard, but the impact would be limited in scale and duration.

D14 (Natural Environment) – The application proposal is largely screened by the landform and hedgerows. However, it has an adverse impact on the scenic quality from nearby properties.

D16 (Pollution Impacts of Development and Protecting Residential Amenity) – Previous planning conditions sought to limit noise levels from

the site.

Somerset Waste Core Strategy

WCS2 (Recycling and Reuse) – The hardcore generated at the site can no longer be reused on the nearby landfill site.

DM1 (Basic Location Principles) – The temporary permission site is not located on previously developed land. Given the limited standard of the local highway network, the application site location is also not well connected to the strategic transport network.

DM3 (Impacts on the Environment and Local Communities) – The waste management development is stated as generating an adverse impact from noise and visual amenity at residential units in close proximity to the development. However, the impacts are regarded as of limited impact.

DM6 (Waste Transport) - The proposed development is not well connected, via suitable transport routes, to the strategic transport network. It has not been shown that it is well connected to the community or businesses that the development is intended to serve.

3. The Waste Planning Authority has also had regard to all other material considerations.

4. **Statement of Compliance with Article 35 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, the National Planning Policy for Waste 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. 1/13/16/051
Sedgemoor Core Strategy (May 2013)
Somerset Waste Core Strategy (February 2013)
National Planning Policy Framework (2012)
National Planning Policy for Waste (2014)

DM# 795018

**APPENDIX
SITE HISTORY – WASTE ACTIVITIES ON LAND AT CLAYHILL FARM,
NORTH OF SPAXTON ROAD, BRIDGWATER**

Application no. (and date registered)	Description	Outcome
A. Landfill site		
1/13/90/002	Infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use (as amended by agents' letter dated 5 February 1990 and revised Plan drwg no. M/925/1A)	Conditional Permission
1/13/91/010	Infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use (as amended by agents' letter dated 29 November 1991 with attached revised plan ref. Drawing No. M/925/3B received by County Planning Authority on 2 December 1991 and further letter dated on 3 December 1991	Conditional Permission
1/13/92/005	Continued infilling of natural hollows and former marl pit with builders rubble and excavated waste on land adjacent to Danesborough Reservoir, Spaxton Road, Bridgwater, and the formation of temporary access thereto and restoration to agricultural use as amended by applicant's agent's letter dated 29 November 1991 with attached revised plan ref Drawing No. M/925/3B received by the County Planning Authority on 2 December 1991 and to the modification of Condition No. 20 of planning permission no. 1/13/91/010	Conditional Permission
B. Landfill site		
1/13/92/011	Use of land at Clayhill Farm, Spaxton Road, Bridgwater as a landfill site, the excavation of topsoil and subsoil to an average depth of 500mm and infilling of existing hollows with builders rubble and excavated waste and restoration on completion to agricultural and forestry use as described in the plans and drawings submitted	Conditional Permission
1/13/94/034	Continued tipping of builders rubble and excavated waste (to complete previous landfill operation approved 19/08/92 ref. 1/13/91/010) on land at Clayhill Farm, Spaxton Road, Bridgwater (ST2643-3717, OS plot nos. 4300pt, 3214pt, 4833pt 5000pt.)	Conditional Permission
C. Landfill site		
1/13/95/002 (26 Jan.1995)	Stripping of topsoil / subsoil and storage on site together with the tipping of inert builders rubble and	Conditionally Permitted

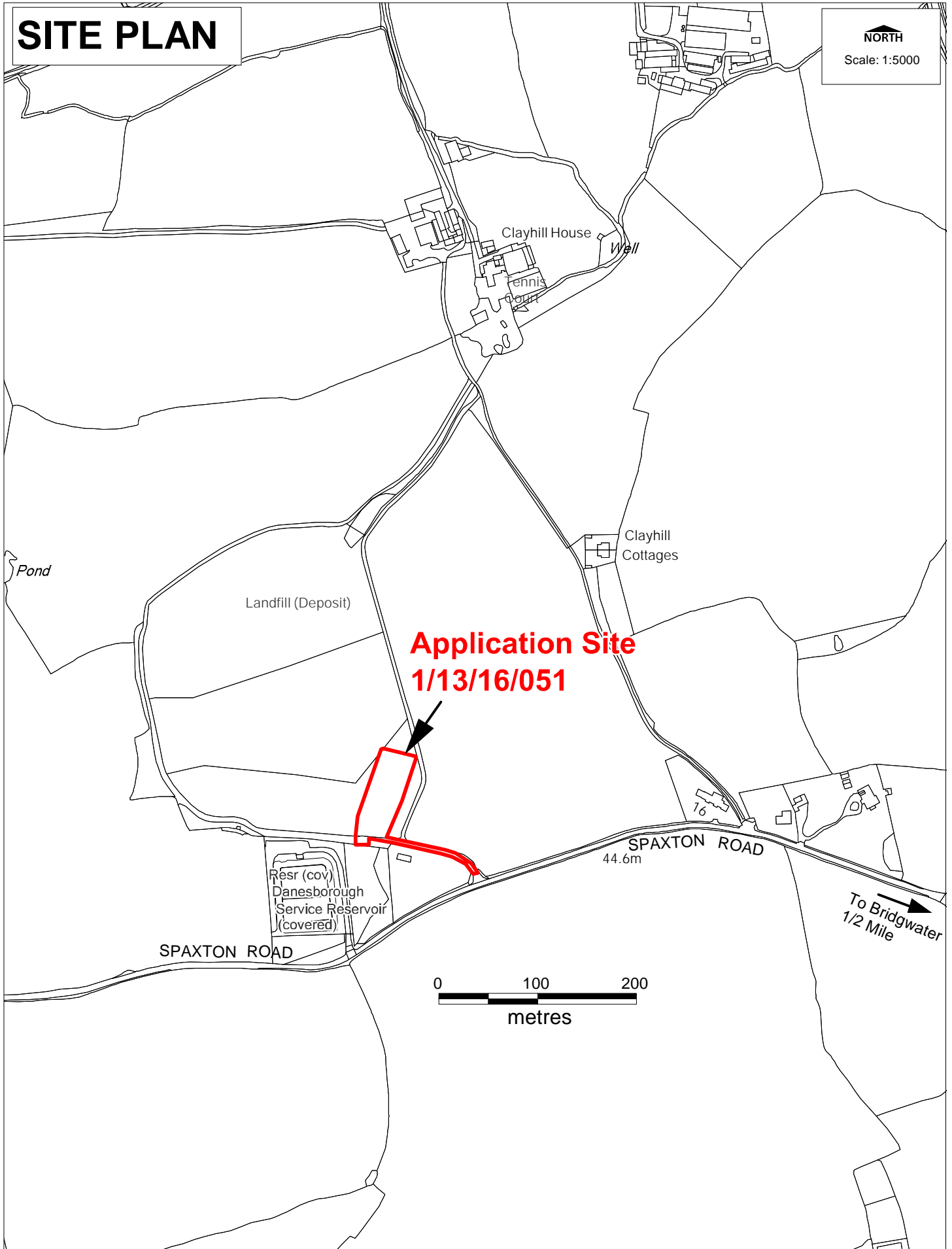
	excavated waste on land at Spaxton Road, Bridgwater and restoration on completion to agricultural use	
1/13/98/021 (18 Sept.1998)	S.73 application to vary Condition 1 of Planning Permission 1/13/95/002 (dated 21/04/95) to continue the stripping of topsoil/subsoil and storage on site together with the tipping of inert builders rubble and excavated waste until 30/12/2001 and restoration on completion to agricultural use	Conditionally Permitted
1/13/01/021 (11 Dec.2001)	S.73 application to vary condition no: 1 of permission no: 1/13/98/021 (dtd 7/12/98) for the continued stripping of topsoil / subsoil & storage on site together with the tipping of inert builders rubble & excavated waste until 31/12/06, & restoration upon completion to agricultural use	Conditionally Permitted
1/13/06/037 (05 Dec.2006)	Variation of planning permission 1/13/01/021 to allow the continued importation of waste for site restoration purposes for a period of 10 years	Conditionally Permitted
1/13/07/042 (20 Aug.2007)	Proposed variation of condition no 2 of planning permission no 1/13/07/037 (dated 02.04.07) (for the continued importation of rubble and excavated materials for site restoration purposes) to permit operations from 0800 hours	Conditionally Permitted
1/13/16/049 (25 Oct.2016)	Section 73 application - Variation of Condition 1 of permission No. 1/13/07/042 (For the importation of rubble and excavated materials for site restoration purposes) until 31 December 2017	To be determined
D. Crusher Site		
1/13/97/010	Use of land for storage of hardcore for recycling (site to be used in conjunction with existing landfill site in the vicinity) at land at Spaxton Road, Bridgwater, Somerset	Withdrawn
1/13/97/018 (27 Aug.1997)	Temporary use of land for the storage, crushing and recycling of hardcore (site to be used in conjunction with existing landfill site in the vicinity) on land at Spaxton Road, Bridgwater	Conditionally Permitted
1/13/98/020 (27 Aug.1998)	S.73 application to vary Condition 1 of Planning Permission 1/13/97/18 (dated 21/08/98) for the continued use of land for the storage, crushing and recycling of hard core until 30/12/2001	Conditionally Permitted
1/13/01/020 (10 Dec.2001)	S.73 application to vary condition no: 1 of permission no: 1/13/98/020 (dtd 7/12/98) for the continued use of land for the storage, crushing and recycling of hardcore until 31/12/06	Conditionally Permitted
1/13/06/036 (05 Dec.2006)	Variation of planning permission 1/13/98/020 to allow the continued use of land for storage, crushing and recycling of hardcore	Conditionally Permitted
1/13/07/041 (14 Aug.2007)	Proposed variation of condition 2 of planning permission no 1/13/06/036 (dated 30.03.07) (for the	Withdrawn

	storage, crushing and recycling of hardcore) to permit operations from 0800 hours (rather than 0900 hrs) Mondays to Saturdays	
1/13/08/010 (18 Feb.2008)	Continued use of land for the storage, crushing and recycling of hardcore	Conditionally Permitted
1/13/16/051 (25 Oct.2016)	Section 73 Application - Variation of Condition No.1 of Permission No. 1/13/08/010 (for the storage, crushing and recycling of hardcore) until 31 December 2017	To be determined
E. Soil storage site		
1/13/07/029 (30 Apr.2007)	Storage of top and subsoil for subsequent site restoration purposes	Conditionally Permitted
1/13/07/043 (20 Aug.2007)	Proposed variation of condition no 2 of planning permission no 1/13/07/029 (dated 05.07.07) (for the storage of top and subsoil for site restoration purposes) to allow operations from 0800 hours (not 0900 hrs) Mondays to Saturdays	Conditionally Permitted
1/13/16/050 (25 Oct.2016)	Section 73 Application - Variation of Condition No.1 of permission No. 1/13/07/043 for the storage of topsoil and subsoil for site restoration purposes) until 31 December 2017	To be determined

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SITE PLAN

NORTH
Scale: 1:5000



**Application Site
1/13/16/051**

0 100 200
metres



Philip Higginbottom
Service Manager
Planning Control, Enforcement & Compliance
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Site Name:
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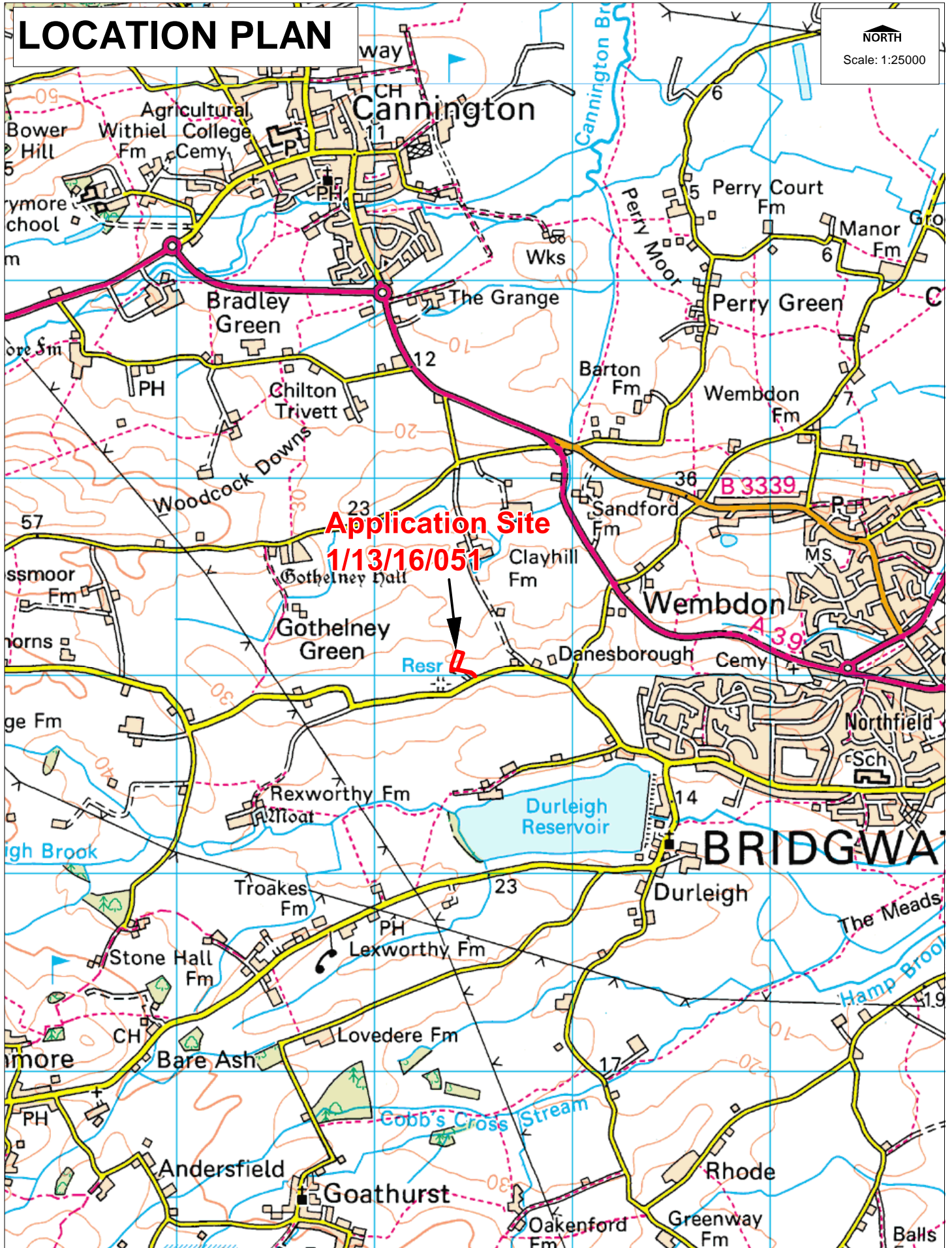
Planning Control
Drawn by: P Silvers

Dated: 2 November 2016

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LOCATION PLAN

NORTH
Scale: 1:25000



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