

*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](mailto:rwills@somerset.gov.uk)  
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*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 15,000m<sup>3</sup> (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.

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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  $L_{eq}(15 \text{ minute})$  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)

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

Application no. (and date registered)	Description	Outcome
<b>A. Landfill site</b>		
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>B. Landfill site</b>		
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

	<b>C. Landfill site</b>	
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
	<b>D. Crusher Site</b>	
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
<b>E. Soil storage site</b>		
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