

Regulation Committee

Thursday 12 April 2018
2.00 pm Luttrell Room - County Hall,
Taunton



To: The Members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr J Clarke, Cllr M Keating, Cllr A Kendall, Cllr T Lock, Cllr M Pullin, Cllr D Ruddle and Cllr N Taylor

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk - 4 April 2018

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 12 April 2018

**** 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 8 March 2018** (Pages 7 - 10)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chair 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 **Construction of three Replacement Tips at Moons Hill Quarry** (Pages 11 - 86)

6 **Northern lateral extension to the existing quarry, consolidation and regularisation of existing operations and associated ancillary development at Callow Rock Quarry** (Pages 87 - 166)

7 **Any Other Business of Urgency**

The Chair may raise any items of urgent business.

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 Chair'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 Chair 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 Chair 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 Chair 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 Chair.

You must direct your questions and comments through the Chair. 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 Chair will decide when public participation is to finish. The Chair 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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The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 8 March 2018 at 14.00 in the Luttrell Room, County Hall.

Present

Cllr J Parham (Chairman)

Cllr M Caswell (substituting for
Cllr M Keating)
Cllr J Clarke
Cllr A Kendall

Cllr T Napper (substituting for
Cllr N Hewitt-Cooper)
Cllr M Pullin
Cllr D Ruddle
Cllr N Taylor

Other Members Present: Cllr J Thorne

The Chairman welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and highlighted the rules relating to public question time.

1 Apologies for Absence – agenda item 1

Cllr N Hewitt-Cooper
Cllr M Keating
Cllr T Lock

2 Declarations of interest – agenda item 2

Reference was made to the following personal interests of the Members of the Regulation Committee which were published in the register of members' interests which were available for public inspection in the meeting room:

Cllr M Caswell	Member of Sedgemoor District Council
Cllr A Kendall	Member of South Somerset District Council Member of Yeovil Town Council
Cllr T Napper	Member of Glastonbury Town Council Member of Street Town Council
Cllr J Parham	Member of Mendip District Council Member of Shepton Mallet Town Council
Cllr M Pullin	Member of Mendip District Council
Cllr D Ruddle	Member of Somerton Town Council

3 **Accuracy of the Minutes of the meeting held on 8 February 2018 –**
agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 8 February 2018 as a correct record.

4 **Public Question Time –** agenda item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 **Construction of a new road scheme including the widening and enlargement of Junction 25 roundabout, the widening of the toneway over approx.. 200m length from J.25, the construction of a new roundabout to the southwestern corner of the Gateway Park & Ride site and the construction of linking sections of road to J. 25 and the A 358/Ruishton Lane junction, junction alternations, provision of pedestrian and cyclist facilities and associated street furniture on land at J.25, M5, Taunton -** agenda item 5

(1) The Case Officer with the use of maps, plans and photographs outlined the application, informing the Committee that the scheme: included a new roundabout and junction traffic lights; would improve the capacity of the junction and roundabout; offered increased carriageway widths; included the removal of the existing poultry farm; and would allow access to future development land. The Committee were also informed that: some of the proposed development site is classified as flood zone 2 and 3, but that the road would be raised on an embankment in these areas; public rights of way would be redirected; and the development included a proposed maintenance bay to allow the upkeep of the roundabout and signal controls.

The Case Officer proceeded to highlight the main issues for consideration, including: the principle of development; the importance of sustainable development and access to the park and ride site; the landscape character, including the already elevated motorway; flood risk and the water environments; the impact on the highway network, including reduced journey times; the impact on ecology, which would be minimised by condition; the impact on amenity which would be minimised by LED lighting; that the small decrease in air quality was not thought to be significant; and that it was not thought that the development would have any impact on crime and disorder.

The Committee were further informed that this application is a stand alone development and is not linked to the Nexus 25 proposal, and that North Curry Parish Council had now withdrawn their objection to the application.

In conclusion the Case Officer highlighted that the application was recommended for approval. It was further noted that the application had been subject to rigorous checks and that full consideration had been given to consultants comments.

(2) The Committee heard from Mr Smith, who spoke against the officer recommendations and raised a number of points including: concern at the interaction with the Highways England scheme; delays when joining the A358 link; and links to the Northern Inner Distributor road.

(3) The Committee heard from Mike O-Dowd-Jones, a County Council officer speaking as the applicant, who spoke in support of the application and raised a number of points including: that traffic modelling had been undertaken; a number of town wide traffic studies had been completed; funding had been secured for improvements at Creech Castle; the Council continues to seek funding for further road improvement schemes; the recommended scheme was the optimum solution within the constraints of the site; the improvements would accommodate growth which is already happening within Taunton; the proposed improvements were compatible with any of the proposed A358 schemes; and that any delay in approval may result in funding being allocated outside of the County.

(4) The Committee heard from Cllr John Thorne, one of the local Members, who made a number of observations regarding the Parish Council's consultation responses regarding cycling and pedestrian facilities, noting concern that the refuges between lanes of traffic were too small.

(5) The Case Officer responded to the points raised by the public speakers and the local Member, noting: the Highways England A358 improvement consultation was on-going; Highways England had removed their initial objections to this scheme; this scheme ensured pedestrian and cyclists could safely cross the carriageway where appropriate; and a road safety audit would be completed once works were complete.

(6) The Committee proceeded to debate during which a number of questions were asked by Members including: capacity assessments and the proposed Nexus 25 development; provision for further industrial development, and associated access; the number of sets of traffic lights along with associated maintenance and replacement costs; access to the north bound M5 sliproad; access on to the A358; the potential for subways to be installed as opposed to pedestrian crossings; monitoring of the CCTV; potential air pollution; and the objection received from the Toby Carvery regarding a potential loss of trade.

(7) Officers responded to the points raised in debate, noting: capacity assessments included the proposed Nexus 25 development; the increased capacity of the roundabout and lengthening of the lanes joining the roundabout; that the design allowed free movement of traffic; that subways were not favoured by the Police; that the CCTV was monitored from 7.00am and could be recorded from the County Hall control room; that there was already a sign in place discouraged a right hand turn into the Toby Carvey carpark for safety reasons; and that new signage which informed customers how to access the Toby Carvey would be installed.

(10) Cllr Dean Ruddle praised the officer report and proposed the recommendations as detailed in the report, and this was seconded by Cllr Nigel Taylor.

(11) The Committee resolved in respect planning application no. 4/38/17/0205 that planning permission be GRANTED subject to the conditions set out in section 10 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

6 Any other business of urgency – agenda item 6

There was no other business.

(The meeting closed at 15.11)

Chair, Regulation Committee

Somerset County Council
Regulation Committee – 12th April 2018
Report by Service Manager – Planning Control Enforcement & Compliance: Philip Higginbottom

<i>Application Number:</i>	2016/0665/CNT
<i>Date Registered:</i>	16/03/2016
<i>Parishes:</i>	Stoke St Michael, Doultong and Cranmore
<i>District:</i>	Mendip
<i>Member Division:</i>	Mendip Central and East
<i>Local Member:</i>	Philip Ham
<i>Case Officer:</i>	Ben Gilpin
<i>Contact Details:</i>	01823 359738 bgilpin@somerset.gov.uk
<i>Description of Application:</i>	Construction of three Replacement Tips at the Moons Hill Quarry Complex at Stoke St. Michael, Shepton Mallet, BA3 5JU
<i>Grid Reference:</i>	E: 365930 N: 145973
<i>Applicant:</i>	John Wainwright and Company Ltd
<i>Location:</i>	Moons Hill Quarry Complex, Mendip Road, Stoke St Michael, Somerset, BA3 5JU

1. Summary of Key Issues and Recommendation

1.1 The key issues for Members to consider are:

- Principle of Development
- Highways
- Amenity (residential and users) – noise / dust / light
- Visual and Landscape Character Impact
- Ecology
- Water Management (subterranean / surface water)
- Archaeology
- Land Stability
- Other Matters
- Planning Balance

It is recommended that planning permission be granted subject to the imposition of the conditions in section 10 of this 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.

2. Site Description

2.1 The site comprises 3 separate sites, on which it is proposed to tip overburden from the consented quarry operations. The three sites (tips) are referred to as Tip A, Tip B (Tip B West and Tip B East), and Tip D in this report. The three tips (Tip A, Tip B and Tip D) are located at the periphery of the existing quarry.

2.2 The nearest residential properties (built form) to the proposed tips not in the control of the applicant are, to the west (Tip A), Upper Three Ashes Farm / Box Tree Cottage – circa 190 metres; to the south (Tip B), Long Cross Cottage – circa 85 metres; and to the south east (Tip D), Long Cross Farm – circa 85 metres.

2.3 The site has no statutory designation constraints. The nearest heritage asset (Box Tree Cottage – Grade II Listed Building) is circa 150 metres to the west of the boundary of Tip A. The distance of 150 metres relates to the curtilage (garden) of the Listed Building and not the Listed Building itself (the garden being circa 40 metres in length from east to west).

2.4 Across the north western part of the proposed tipping site (Tip A) runs the 'SM18/10' Public Right of Way (PRoW), and is detailed as a 'Footpath'. This PRoW would be directly affected and it is proposed to be diverted.

2.5 The site is within the Silurian Andesite Safeguarded Area as defined in the Somerset Minerals Plan (2015). The Somerset Minerals Plan (SMP) states that Silurian Andesite is used for road surfacing, and Moons Hill Quarry is identified in the Somerset Minerals Plan as the only active Silurian Andesite quarry in the county.

2.6 There has been an operational quarry at this site for over 100 years. The main mineral quarried is Andesite, which is a high value mineral (compared for example to limestone aggregate) due to its high 'Polished Stone Value', which makes it suitable for use in road surfacing. The mineral is supplied to customers beyond Somerset since the nearest available alternative sources are in South Wales and Ireland, making this a regionally and nationally important mineral.

2.7 The Moons Hill Quarry complex consists of two quarry sites and is located approximately 600m south of the village of Stoke St Michael and 5 km northeast of the town of Shepton Mallet. The operation has two quarry sites, Moons Hill Quarry to the east and Stoke Quarry to the west straddle the public highway 'Long Cross Bottom'. Mineral is processed and stored within both sites.

2.8 The existing access to both quarries is off the minor road 'Long Cross Bottom'.

2.9 The quarry complex is located immediately to the north of a gently sloping ridge which runs east-west. It lies within a rural area used predominantly for agricultural grazing. The area is not within the Mendip Hills AONB, the nearest part of which lies 8.3 km to the west.

2.10 Tip A is to be 13.95 hectares in area. Tip B (West) is to be 5.35 hectares in area. Tip B (East) is to be 5.42 hectares in area. Tip D is to be 16.62 hectares in area.

2.11 Part of the quarry complex overlaps the Moons Hill Site of Scientific Interest (SSSI) which is designated due to its geological interest. None of Tip A, Tip B or Tip D would abut or overlap the SSSI.

3. Site History

3.1 The relevant planning history of the site is as follows:

- PL\2207\12 (2011/1264/cond.18): Increase height of Moons Hill South Mineral Tip, and Phase 3 of Mill Marsh Mineral Tip, and link the two through tipping of Mineral Waste from Moons Hill Quarry - details to satisfy condition 18 (Stability) – refused (22.08.2012).
- 2011/1264: Increase height of Moons Hill South Mineral Tip, and Phase 3 of Mill Marsh Mineral Tip, and link the two through tipping of Mineral Waste from Moons Hill Quarry – conditionally permitted (07.11.2011)

4. The Proposal

4.1 This full planning application seeks planning permission for the construction of three replacement tips at the Moons Hill Quarry complex at Stoke St. Michael, Shepton Mallet.

Tip Volumes / End Heights

4.2 The three tips identified are needed to accommodate 1.63 million cubic metres of over burden. For clarity, Tip A and Tip B (East and West) have included 10% contingency capacity (as reflected in the figures below). The design of Tip D does not include 10% contingency capacity.

4.3 Tip A is proposed to accommodate 1.141 million cubic metres of over burden. The final height of Tip A would be 269 metres Above Ordnance Datum (AOD). The existing ground level at 'Tip A' is 249 metres AOD.

4.4 Tip B (East and West) are proposed to accommodate 0.745 million cubic metres of over burden. The final height of Tip B (West) would be 284.5 metres AOD. The final height of Tip B (East) would be 266 metres AOD. The existing ground level at 'Tip B' is 257.2 metres AOD.

4.5 Tip D is proposed to accommodate 0.91 million cubic metres of over burden. The final height of Tip D would be 288.5 metres AOD. The existing ground level at 'Tip D' is 270.5 metres AOD.

4.6 The resulting design of the three tips has been stated as sufficient to hold all of the remaining over burden that would be generated from the permitted mineral reserves at Moons Hill Quarry.

Tip Slope Profiles

4.7 The outer slope profiles of each tip are designed to be no greater than 1 in 5 (20 degree slopes)

Tip Operations – Time for Completion / Hours of Working

4.8 Tip A would take 5-6 years to complete commencement, with working on the site between 08.00 hours and 18.00 hours, Monday to Friday, with no working on Saturdays, Sundays, Public or Bank Holidays.

4.9 Tip B would take 6 years to complete from commencement, with working on the site between 08.00 hours and 19.00 hours, Monday to Friday, with no working on Saturdays, Sundays, Public or Bank Holidays.

4.10 Tip B would take 8-11 years to complete from commencement, with working on the site between 08.00 hours and 19.00 hours, Monday to Friday, with no working on Saturdays, Sundays, Public or Bank Holidays.

Direction of Tipping / Working

4.11 Each Tip would be worked from the furthest point from over burden source, back towards the quarry, with visual and acoustic bunding being created from tipped over burden as part of the first phase of each tip.

5. THE APPLICATION

5.1 Documents submitted with the original planning application are:

Plans / LVIA

PHOTO 594A-10-11 Tips A B & D_VP15&16
594A-10-10 Tips A B & D_VP14_E view
594A-10-09 Tips A B & D_VP13&14
594A-10-08 Tips A B & D_VP11&12
594A-10-07 Tips A B & D_VP9&10
594A-10-06 Tips A B & D_VP7&8
594A-10-05 Tips A B & D_VP5&6
594A-10-04 Tips A B & D_VP3&4
594A-10-03 Tips A B & D_VP1&2
594A-10-02 Tips A B & D_Context and VP's 3 – 14
594A-10-01 Tips A B & D_Context and VP's 1, 2, 15 & 16
594A-01-29_New Post Rest PRoW
594A-01-28_PRoW Diversions
594A-01-27Rev.A_Tip D_Restoration Scheme
594A-01-26Rev.A_Tip B_Restoration Scheme
594A-01-25Rev A_Tip A_Restoration Scheme
594A-01-24Rev.A_Tip D Section B-B' Phases 6 to 9
594A-01-22Rev.A_Tip D Section A-A' Phases 5 to 8
594A-01-23Rev.A_Tip D Section B-B' Phases 1 to 5

594A-01-21Rev.A_Tip D Section A-A' Phases 1 to 4
594A-01-20Rev.A_Tip D - Concept working scheme
594A-01-19Rev.A_Tip B Section C-C' Phases 1 to8
594A-01-18Rev.A_Tip B Section B-B' Phases 11 to18
594A-01-17Rev.A_Tip B Section A-A' Phases 7 to 16
594A-01-15Rev.A_Tip B - Concept working scheme
594A-01-16Rev.A_Tip B Section A-A' Phases 1 to 6
594A-01-13Rev.A_Tip A Section B-B'
594A-01-14Rev.A_Tip A Section C-C'
594A-01-11Rev.A_Tip A Section A-A' Phases 5 to 9
594A-01-12Rev.A_Tip A Section A-A' Phases 10 to 14
594A-01-10Rev.A_Tip A Section A-A' Phases 1 to 4
594A-01-09Rev.A_Tip A - Concept working scheme
594A-01-07Rev.A_Tip B - Final landform
594A-01-08Rev.A_Tip D - Final landform
594A-01-06Rev.A_Tip A - Final landform
594A-01-05_Tip D_Topo Survey
594A-01-04_Tip B_Topo Survey
594A-01-03_Tip A_Topo Survey
594A-01-01Rev.A_Site Location Plan
594A-01-02Rev.A_Site Plan
MAP - Theoretical Visibility

Forms / Reports

Hollands Pond GtCNewt Survey MH AD Ecology
PL12 Landscape Design Strategy v3
APPLICATION FORM Moons Hill
Planning Application Contents Page
Replacement Planning Statement v1
Certificates v1

Environmental Statement:

APPDX 5 Low Productivity Grassland Scheme
APPDX 3 Dust Management Scheme v2
APPDX 4 Woodland & Hedgerow Scheme
APPDX 2 Soil & Grass Seeding Procedures
APPDX 1 Tip A B and D stability assessment 160107 v03
Non -Technical Summary v1
ENV STATMNT CONTENTS Front Page v1
ENV STATMNT Ch10 Landscape Visual Impact Ch 10 - LVIA v1
ENV STATMNT Ch10B Landscape Visual Impact Appendix 10B Methodology
ENV STATMNT Ch10 Appendix 10A References
ENV STATMNT Ch9 - Noise v1
ENV STATMNT Ch9 Noise Appendices 9A to 9C
ENV STATMNT Chapter 8 Appendices
ENV STATMNT Chapter 8 -Hydrology and Hydrogeology (including Flood Risk) v1
ENV STATMNT Chapter 7 - Traffic & Highways v1
ENV STATMNT Chapter 6 - Ecology v1

ENV STATMNT Ch6 ECOLOGY Appendices 6A to 6G
ENV STATNT Chapter 5 - Community Social Effects v1
ENV STATMNT Chapter 4 Cultural Heritage v2
ENV STATMNT Ch4 Appendix 4C Archaeological Trial Trench Evaluation
ENV STATMNT Ch4 Appendix 4B Geophysical Survey (Magnetic)
ENV STATMNT Ch4 Appendix 4A Archaeological Desk Based Assessment
ENV STATMNT Ch4 TIP B Trial Trenches 594A-04-03
ENV STATMNT Ch4 TIP B Geophysical Survey 594A-04-02
ENV STATMNT Ch4 Heritage Assets 594A-04-01
ENV STATMNT Chapter 3 - Cumulative v1
ENV STATMNT Chapter 2 - Alternatives v1
ENV STATMNT Chapter 1 Introduction v1
Email concerning the Scoping Opinion
Email concerning the Scoping Opinion (2
ES Front Cover, Contents & Acknowledgments v2

5.2 Following initial consultation additional information was formally requested under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs), and subsequently advertised as required. The submitted Regulation 22 documents submitted are listed below (with the prefix 'REG22'):

REG22 Chapter 9 Appendices v2
REG22 Chapter 9 - Noise v2
REG22 Chapter 6 - Ecology v2
REG22 Appendices 6A to 6H - Ecology v2
REG22 NEs Scoping Opinion
REG22 SCC Scoping Opinion
REG22 NEW INFO Chap1 Intro v2
REG221 PLN 594B-01-62 PRow Diversions
REG22 PLN594B-01-23 Tip A SectCC' Midway Ph1A-3A
REG22 PLN 594B-01-66 Tip D Restoration Scheme
REG22 PLN 594B-01-65 Tip B Restoration Scheme
REG22 PLN 594B-01-63 Post-Rest PRow Plan
REG22 PLN 594B-01-64 Tip A Restoration Scheme
REG22 PLN 594B-01-61 Tip A Sections Through Attenuation Features
REG22 PLN 594B-01-60 Tip D SectBB' MM FARM Ph3B-5A
REG22 PLN 594B-01-59 Tip D SectBB' MM FARM Ph1A-3A
REG22 PLN 594B-01-58 Tip D SectAA' LC FARM Ph3B-5A
REG22 PLN 594B-01-57 Tip D SectAA' LC FARM Ph1A-3A
REG22 PLN 594B-01-56 Tip D Ph5
REG22 PLN 594B-01-55 Tip D Ph4B
REG22 PLN 594B-01-54 Tip D Ph4A
REG22 PLN 594B-01-53 Tip D Ph3B
REG22 PLN 594B-01-52 Tip D Ph3A
REG22 PLN 594B-01-51 Tip D Ph2B
REG22 PLN 594B-01-49 Tip D Ph1B
REG22 PLN 594B-01-50 Tip D Ph2A
REG22 PLN 594B-01-48 Tip D Ph1A
REG22 PLN 594B-01-47 Tip B SectCC' LC Farm Ph6A-6C

REG22 PLN 594B-01-46 Tip B SectCC' LC Farm Ph4B-5B
REG22 PLN 594B-01-45 Tip B SectCC' LC Farm Ph3A-4A
REG22 PLN 594B-01-44 Tip B SectCC' LC Farm Ph1A-2B
REG22 PLN 594B-01-43 Tip B SectBB' LC Cottage Ph6A-6C
REG22 PLN 594B-01-42 Tip B SectBB' LC Cottage Ph4A-5B
REG22 PLN 594B-01-41 Tip B SectAA' Knapps Fm Ph5B-6C
REG22 PLN 594B-01-40 Tip B SectAA' Knapps Fm Ph3B-5A
REG22 PLN 594B-01-39 Tip B SectAA' Knapps Fm Ph1A-3A
REG22 PLN 594B-01-38 Tip B Ph6C
REG22 PLN 594B-01-37 Tip B Ph6B
REG22 PLN 594B-01-36 Tip B Ph6A
REG22 PLN 594B-01-35 Tip B Ph5B
REG22 PLN 594B-01-34 Tip B Ph5A
REG22 PLN 594B-01-33 Tip B Ph4B
REG22 PLN 594B-01-32 Tip B Ph4A
REG22 PLN 594B-01-31 Tip B Ph3C
REG22 PLN 594B-01-30 Tip B Ph3B
REG22 PLN 594B-01-29 Tip B Ph3A
REG22 PLN 594B-01-28 Tip B Ph2B
REG22 PLN 594B-01-27 Tip B Ph2A
REG22 PLN 594B-01-26 Tip B Ph1B
REG22 PLN 594B-01-25 Tip B Ph1A
REG22 PLN 594B-01-24 Tip A SectCC' Midway Ph3B-5B
REG22 PLN 594B-01-22 Tip A SectBB' Knapps Ph3B-5B
REG22 PLN 594B-01-21 Tip A SectBB' Knapps Ph1A-3A
REG22 PLN 594B-01-20 Tip A SectAA' 3Ashes Ph3B-5B
REG22 PLAN594A-01-03 Tip A Topo Survey
REG22 PLAN 594B-01-19 Tip A SectAA' 3Ashes Ph1A-3A
REG22 PLAN 594B-01-18 Tip A Ph5B
REG22 PLAN 594B-01-17 Tip A Ph5A
REG22 PLAN 594B-01-16 Tip A Ph4B
REG22 PLAN 594B-01-15 Tip A Ph4A
REG22 PLAN 594B-01-14 Tip A Ph3B
REG22 PLAN 594B-01-13 Tip A Ph3A
REG22 PLAN 594B-01-12 Tip A Ph2B
REG22 PLAN 594B-01-11 Tip A Ph2A
REG22 PLAN 594B-01-10 Tip A Ph1B
REG22 PLAN 594B-01-09 Tip A Ph1A
REG22 PLAN 594B-01-08 Tip D Final Landform
REG22 PLAN 594B-01-07 Tip B Final Landform
REG22 PLAN 594B-01-06 Tip A Final Landform
REG22 PLAN 594A-01-05 Tip D Topo Survey
REG22 PLAN 594A-01-04 Tip B Topo Survey
REG22 PLAN 594A-01-02 Rev.A Site Plan
REG22 PLAN 594A-01-01 Rev.A Site Location
REG22 NEW INFO Reg22 Apx G Chpt10 Add Info v1
REG22 NEW INFO Reg22 Apx G Chpt10 Add Info PM
REG22 NEW INFO Reg22 Apx E Draft Tip A UU
REG22 NEW INFO Reg22 Appx B GWP Ltr Rpt
REG22 NEW INFO Reg 22 Request- Appx A

REG22 NEW INFO Reg 22 Apx H Tip D Noise Table
REG22 NEW INFO Reg 22 Apx I Bridleway Access Statement
REG22 NEW INFO Reg 22 Apx H Tip A Noise Table
REG22 NEW INFO Reg 22 Apx H Tip B Noise Table
REG22 NEW INFO Reg 22 Apx F Draft Tips B & D UU
REG22 NEW INFO Reg 22 AppxD BCL Ltr Rept
REG22 NEW INFO Reg 22 AppxC Stability Assmnt
REG22 NEW INFO Response to 2016 Reg22 Request v1
REG22 NEW INFO PLAN Post-Rest PRow

6. Environmental Impact Assessment (EIA)

6.1 The applicant screened the proposal and acknowledged the proposed development would be deemed EIA development.

6.2 The applicant made a formal 'Scoping Opinion' request to Somerset County Council (SCC). The formal 'Scoping Opinion' (SCC reference PL/2778/14SCOPE) was issued to the agent of the current planning application on 22nd September 2015.

6.3 The EIA Scoping Opinion, as listed above, and published on line / on file, identified all elements that would need consideration as part of the formal Environmental Statement (ES) that would be required to accompany and support the planning application. Such a statement is to contain and conclude on the Environmental Impact Assessment findings from the proposed development.

6.4 The ES and the subsequent Regulation 22 submissions have been considered and commented upon by interested parties and Statutory Consultees.

7. Consultation Responses Received

Mendip District Council:

NO OBJECTION

No objections are raised subject to the Minerals and Waste Planning Authority (SCC) being satisfied that the proposals would not have an adverse impact upon flood risk, local ecology, the landscape, the amenity of local residents, the setting of heritage assets, public right of way and highway safety.

Stoke St Michael Parish Council:

OBJECTION

Generally there were grave concerns expressed which centred on the scale of the proposals and the impact on the environs of the village. It is the view of the Parish Council that the size and complexity of the proposal is such that it will permanently alter the entire landscape to the south of Stoke St Michael. In light of the size and complexity the Parish Council has concluded it would be more appropriate to sub-divide the application into three or more parts to enable more effective and

transparent decision making and more control over the future management of each subsequent part based on the experience gained in constructing earlier ones.

Of particular note is the impact of the proposed tips on the topography of the area. The height of Tip A as an example has been quoted by the Wainwright representatives on 31 August as 18 metres but they would not give any guarantees that this height will not be exceeded. The representative's comments on this point were restricted to the intention to generally mirror the profile of the hills in the area which is a telling statement of the scale. In addition, the quarry footprint will be significantly increased with the boundary being pushed out in a number of different directions.

The construction of the bunds on land which is consistently waterlogged must be approached with extreme caution. Some residents have drawn a parallel with the Aberfan disaster where coal tips were undermined by water and subsequently slipped into the valley below with appalling loss of life. These residents are seeking guarantees that such a disaster could not happen with this application.

The proximity of Tip A to dwellings at Three Ashes remains a significant issue. This will encroach to within 140 metres of the dwellings. It is these dwellings which will suffer the maximum imposition of noise and dust nuisance.

Every effort must be made to mitigate these issues through conditions attached to any consent considered or granted. A similar approach should be taken in respect of Long Cross and those dwellings at the southern end of Mendip Road.

The case for recycling or resale of the overburden has not been fully explored in the proposals presented to the public. Other industries are having to be pro-active and innovative in dealing with their waste arisings. In the application there appear to be only general comments that there is no market for the overburden. This is not acceptable given the scale of the impact of this application.

Further there should be exploration of the view that a slower rate of construction of the tips would produce overburden of more manageable and useable proportions. This in turn would reduce the need for such a major plan.

There were serious concerns expressed about the noise from machinery generated both in the construction of the bunds and the subsequent backfilling. These should be controlled by a specific condition in any consent.

The hours of operation should be specifically controlled and applied to all the tips. A limit of working hours **between 08.00 and 18.00** should be imposed as a condition of any consent. In addition a **condition relating to the days of operation should be imposed limiting any activity to Monday to Friday, no Saturdays or Sundays and no Bank Holidays.**

The question of water management over the whole site has been consistently raised. The hydrology of the area on the West of Tip A is very complex and the explanations of the proposed drainage system appear incredibly simple and appear ultimately to

rely on field ditches to disperse the water. Further there does not appear to be any strategic plans on the management and control of contaminated water.

The loss of species rich hedgerows is a major concern. Whilst there are long-term plans to replace these hedgerows there will be a loss in the short to medium term. There should be an assessment of the impact in the short term and issues relating to the recovery period.

The aftercare and future management of the site either by Wainwright and Co. or others in the future should be comprehensively detailed in the conditions attached to any consent.

Conclusion:

In considering its response to this planning application the Parish Council has had the benefit of hearing the views of its members who attended the public consultation arranged by Wainwright & Co. and the views expressed by the members of the public who also attended and made further comment at the Parish Council meeting.

There are common themes running through the views expressed. In summary they are:

- Scale and Impact of the proposals on the topography;
- Hydrology issues;
- Proximity to dwellings;
- Stability of the bunds;
- Noise and dust generated;
- Loss of Hedgerows;
- The aftercare and future management of the site.

This list of matters is fundamental to the Parish Council's consideration of the proposals.

[1] Stoke St Michael Parish Council notes that the report by PBA has been withdrawn from the Somerset County Council website without explanation. In its absence Stoke St Michael Parish Council urges Somerset County Council to engage its own independent, professional and qualified advisors to examine and report on the detailed proposals and supporting documentation in the planning application;

[2] The report referred to in [1] above be made public upon receipt;

[3] Following publication as above sufficient time is allowed for consultees and other interested parties to consider and report their views on the content prior to further consideration of the planning application.

Until such time as the total impact of the proposals are known then Stoke St Michael Parish Council objects to the granting of planning consent.

Doultong Parish Council:

COMMENTS RECEIVED

Doultong Parish Council considered the amended application 2016/0665/CNT from Wainwrights regarding three replacement tips at Moons Hill Quarry and, by a majority, agreed to support the application.

Cranmore Parish Council:

COMMENTS RECEIVED

Cranmore Parish Council has considered the abovementioned application and agreed that the Parish Council should leave the decision to Somerset County Council planning officer but would like to highlight the following concerns:

1. The water course
2. The residents objections
3. The scale of the schemes
4. The noise and hydrology
5. The scope and why it couldn't be incremental

SCC Highways:

NO OBJECTION

Having reviewed the submitted information including the Environmental Statement (February 2016) – Traffic and Highways Chapter 7, it would appear that any proposed vehicle movements associated with the development will remain on the site removing the need for dump trucks to cross the highway. Consequently, the scheme will have no adverse impact on the local highway network.

Therefore, there is no highway objection to the proposed scheme

SCC Planning Policy:

NO OBJECTION

With reference to the applicant's request for a scoping opinion on this planning application, in 2015, the planning policy team requested that particular attention be given to: mineral safeguarding; biodiversity and geodiversity; restoration and aftercare; protecting local amenity; and management of solid mineral wastes. Following the receipt of this application and the consideration of the Environmental Statement, further information was required in order to determine whether the proposal was sustainable and aligned with the policy objectives of the Somerset Minerals Plan.

The proposed application clearly lies within a Mineral Safeguarding Area (MSA), which allows the MPA to assess the potential impacts of development on or in close

proximity to a mineral resource, to ensure the ongoing viability of exploiting that resource (Somerset Minerals Plan, adopted 2015, Policy SMP9: Safeguarding).

The minerals safeguarded within this planning application area are Carboniferous Limestone and Silurian Andesite. This application therefore needs to be supported by information and evidence demonstrating that the proposed tips would not jeopardise any potential resource on land not currently quarried, but within the MSA. Following the receipt of further information, as a result of the Reg 22 request, we are now satisfied that the location of the proposed tips should not lead to the sterilisation of reserves and have been provided with clearer information regarding the process of considering alternatives.

Based on the information provided, the planning policy team have no objections to make to this application. Particular attention will need to be given to the potential impacts on the distinctive character and features of the Somerset countryside, to ensure alignment with policies SMP8, DM2, DM6, DM7, DM8 and DM11.

Natural England:

NO OBJECTION (COMMENT)

International and national designated sites – no objection

Chapter 6 (of the ES) – Ecology (dated 5th June 2017) includes an assessment of potential effects on Mells Valley Special Area of Conservation (SAC), partly informed by bat roost dusk emergence surveys undertaken during June and July 2014, and three paired bat activity transect surveys undertaken on 11th June 2015, 16th July 2015 and 23rd September 2014.

No greater horseshoe bats were recorded, but we agree with the County Ecologist that due to their age, lack of automated detectors and limited seasonal coverage, the bat surveys undertaken for the application site are not sufficient to demonstrate proof of absence for this species.

The habitat calculations were therefore revised, based on an assumption that greater horseshoe bats are present and both commuting and hunting on application site and in accordance with the North Somerset & Mendip Bat SAC Guidance (and draft Mells Valley Bat SAC Guidance). This exercise indicated an overall loss in habitat value for greater horseshoe bats is unlikely to result from the proposed development, but it may reduce the level of enhancement that would be provided.

We note that further clarification about the phasing of the scheme is required in order to carry out a 'test of likely significant effect' (TOLSE) under the Habitats Regulations. We would be pleased to consider the TOLSE in due course.

The TOLSE was completed by SCC and issued to NE for their opinion. They stated that:

Thank you for consulting Natural England regarding the above proposal.

We have reviewed the TOLSE and agree with the Council's conclusion that "although there is likely to be some effect on greater horseshoe bats if present, it is unlikely to be significant provided that a Landscape and Ecology Management Plan for the duration of and subsequent to the proposed development". We also support the recommendation for the LEMP "that this is comprehensive by also covering the remaining Moons Hill Quarry holding replacing any existing management plan."

Environment Agency:

NO OBJECTION SUBJECT TO PLANNING CONDITIONS

The Environment Agency has no in principle objection to this proposal providing that the Surface Water Drainage Scheme and associated mitigation measures (Section 8.5.9) is first agreed as a condition to the Planning Permission ahead of any development.

The scheme in addition to details already supplied should also make a provision for management of surface and groundwater quality. There should be no deterioration of the visible or chemical quality from the yet to be agreed baselines. The surface water and groundwater quality baselines will need to be established through monthly monitoring of both surface and groundwater at the surface and groundwater discharge points as reported in the Environmental Statement Chapter 8, for a minimum of 12 months and or until a baseline can be agreed with the Environmental Agency.

We also agree with the report recommendation (Sections 8.5.7) for a further mitigation measure "that a survey is conducted to assess the need for any additional drainage following the stripping of soils" for all proposed tips.

The applicant should consider whether the activity requires an Environmental Permit under the Environmental Permitting (England and Wales) regulations 2010. Further guidance is available in the Environment Agency's regulatory position statement PS019.

SCC Flood Risk Management (FRM):

NO OBJECTION

The LLFA has no objection to the application as submitted.

SCC Public Rights of Way:

COMMENTS / APPLICANT ADVISORY

The proposed development affects several public footpaths, namely SM 7/90, SM 18/21 & SM 18/10 (plan of paths attached).

Whilst familiar with some of the site I have not had the opportunity to look at the proposed Rights of Way changes on the ground and therefore the following comments will be subject to anything further that comes to light from a site visit.

In the event that consent is granted then the applicant will need to apply to divert the affected footpaths. The applicant has also offered dedication of routes, which is to be welcomed in terms of the gain that is being offered to local walkers, horse riders and cyclists. However, the process by which all this is achieved requires careful consideration.

Diversions

It would appear the applicant is proposing to use s261 TCPA 1990 for the temporary diversion of the affected footpaths. This section would be inappropriate with s257 being the appropriate section. Using s257 will result in a permanent diversion of the paths. We have yet to receive the applications, and would need to look carefully at the potential alternative routes for such diversions to ensure they are fit for purpose and agree surface treatments. In particular the alternative for Tip D is largely beside the road and given the suggestion of upgrading the path to a bridleway there would need to be an acceptable margin between the route and the road. An informative note should be added to any consent given to the effect of; 'Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.'

Dedications / Permissive

Assuming the correct section (above) is used, the provision of footpaths over the crests of Tips A & D connecting into the public rights of way network would be required by other means. It is assumed that they would be a positive addition to the network for users allowing for improved views of the local area. Should consent be given, it is suggested that the provision of these is conditioned on a permissive basis for the lifetime of the quarry with a requirement to finalise permanent dedication of the paths prior to disposal of the site. The timing of such provision should be linked to a suitable timeframe following completion of each tip so that they are each available as soon as it is safe to do so. As part of the permissive agreement the applicant would be liable for the maintenance and public liability aspects of the paths. Any defects would need to be suitably rectified prior to dedication with the Authority reserving the right to review the alignment of the routes to be dedicated. As part of this we would need to abandon the dedication of the spur path in relation to planning permission for application 2011/1264 (condition 22).

The proposed bridleway dedication will need further consideration. It would create 4 new junctions with the existing public vehicular highways which would need to be safety assessed, as well as the consideration of the dual use in terms of width of the route and the surface treatment. Therefore I propose a condition that subject to Local Authority approval a permissive bridleway for the lifetime of the quarry is to be provided within 2 years of the development commencing. If it is provided with Local Authority approval there would be a requirement to finalise permanent dedication of the bridleway prior to disposal of the site. As part of the permissive agreement the applicant would be liable for the maintenance and public liability aspects of the paths. Any defects would need to be suitably rectified prior to dedication with the Authority reserving the right to review the alignment of the routes to be dedicated.

In the event that approval isn't granted the applicant could agree bridleway routes with a 3rd party, provided that the impact on the definitive public rights of way is managed appropriately.

Generic comments

The health and safety of the public must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the rights of way, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of the ways resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath or public bridleway unless the driver has lawful authority (private rights) to do so.

In addition, if it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Rights of Way Service.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided.

SCC Acoustics Advisor:

NO OBJECTION

I have considered the revised Environmental Statement for this proposal that has been updated to address the Regulation 22 request of SCC for further information. I understand that these proposals may subsequently change due to concerns arising from land stability.

The revised submission provides greater phased construction detailing of each tip and now provides sectional detailing with viewpoints from the first floor position of closest noise sensitive dwellings to the crest point of boundary bunding. This more clearly demonstrates the visual screening and associated acoustic benefits derived by the revised phasing and the more long-term periods of infilling.

Looking at the new construction information in the Environmental Statement (ES) - Chapter 1 Introduction (v2 8/6/17) it appears Tip D has been redesigned to increase the standoff distance from 30m to 90m from Long Cross Farmhouse (Quarry owned 1.3.12) and this will have a noticeable acoustic benefit. The reduction in tip capacity

is indicated to remove the initial 10% over-capacity originally incorporated into the initial design. While not clearly explained this new design of tip D is described to have a 910,000m³ capacity and this would appear to be about a 4% (33,000 m³) greater reduction than the 10% allowance [based on the initial 1,408,000m³ design capacity less the material used to complete South Tip (360,000m³)]. This point is however not significant to noise consideration.

I note in 1.3.39 (of the ES) that during periods of heavy rainfall, excess water is to be held within the sumps of tip areas and water may need to be pumped into the quarry voids. It is not clear under these circumstances where the location of pumps will be and what night-time noise impact might arise from these pumps. The water management scheme may therefore need to consider this noise impact and any necessary mitigation to prevent night-time disturbance.

The ES indicates the applicant has restricted tip activities to weekdays and reduced the working hours associated with Tip A development to 08:00-18:00 compared with the 07:00-19:00 of Tip B and Tip D and this will be helpful in reducing the risk of noise disturbance.

The revised development also proposes to only strip areas as required for a particular phase development and this will also distribute and reduce the extent of acoustic and visual impacts over the development. It is estimated that Tip A will require 5-6years to complete with Tip B taking a further 6 years and Tip D up to 11 years. While the application indicates sequential construction of Tip A and Tip B it would also suggest that work on Tip D may take place within the life of Tip A and as such, it is not clear if the total duration of tipping activities will be the sum of their individual indicated lifespans.

The noise report indicates that initial screening bunds will be created with up to 2 bulldozers with the material delivery rates increased from the original estimate of 6 per hour to 20 per hour. I note that operating duty of all machines considered in bund construction calculations have now also been increased to 100% and this will provide more realistic prediction of noise during bund construction phases. I note that geometric distance losses have only taken account of additional soft ground absorption losses when it would seem there was a near grazing propagation path to a considered location. The calculations of noise impact in my view would therefore appear realistic.

Worst case bund construction noise to a non-quarry-owned property would be that predicted at Three Ashes during initial Tip A works as detailed in 9.4.10 (of the ES). The predicted levels of 58dB(A) would, if limited to 8 weeks, be acceptable for temporary works under PPGN advice. Noise impacts during the first phase of Tip A operation would then fall to 40dB(A) and be unlikely to give rise to disturbance. It is also worth noting that worst-case predicted noise levels would only arise during neutral or more unusual easterly wind conditions and in practise I would therefore expect the prevailing winds to further reduce noise at the separation distances of more than 200m. The effects of wind gradient reduction would be more significant at other separation distances of 400m or more.

In conclusion the amended tip construction and phasing would appear to minimise noise effectively and impacts would remain within permitted limits defined under present NPPF guidance

SCC Archaeology:

NO OBJECTION

An archaeological assessment of this proposal indicated that there are no significant archaeological assets affected by this proposal.

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

SCC Ecology:

NO OBJECTION SUBJECT TO PLANNING CONDITIONS

Following completion of the TOLSE, it was determined by SCC Ecology that the effects of the proposed development on ecology / biodiversity were satisfactory, subject to planning conditions (including the provision of a LEMP; Bat Mitigation Strategy; Badger Setts Survey; Brown Hare & Hedgehog Survey; Birds Nest Survey; GCN surveys / working methods)..

The full details / comments from SCC Ecology can be read in Appendix A of this report.

National Planning Casework Unit:

NO COMMENTS RECEIVED

SCC Air Quality Advisor:

NO OBJECTION SUBJECT TO PLANNING CONDITION

Prior to the commencement of the development hereby permitted, a detailed dust assessment in accordance with guidance provided in Institute of Air Quality management (IAQM) document 'Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016', shall be submitted to, and approved in writing by, the Minerals Planning Authority. The assessment should also include management and mitigation measures in accordance with guidance in the IAQM document.

Reason: In the interests of neighbouring amenity.

Consultations (Non-Statutory Consultees):

Council for the Protection of Rural England (CPRE):

OBJECTION

CPRE Somerset wishes to OBJECT to this application.

Whilst we appreciate that Moons Hill and Stoke quarries are treated uniquely in the Somerset Mineral Plan 2015 because they produce andesite, a nationally important material and because they have no output limit, we feel very strongly that there should be proper consideration of the local environment and the impact on local communities that would be caused by this proposal.

Policies in the Minerals Plan and Waste Topic Paper are effectively silent on the subject of quarry tipping. There is no detailed guidance on the size and positioning of tips, constraints or consideration of the effect they have on local amenity and residents, therefore there are currently no adequate policies against which to test this application.

We would like to point out the following flaws in this application:

Lack of Adequate Consultation: CPRE Somerset has been contacted by members of the local community who are distressed that they were not given adequate advanced warning of this plan. A village meeting was not well advertised, delivery of neighbour letters was incomplete and late and the applicant has not made proper efforts to engage the whole community, including those living nearest to the proposed sites -
**

They made contact with the Parish Council and its Quarry Liaison Group but this is not robust community consultation in our opinion. The impact on the local community of the building of such large-scale tips, over an extended period of time, is cumulative and has not been appropriately acknowledged. Their lives, and the tranquillity of this area of countryside, will be blighted by noise, dust and visual disturbance by lorry/tipper movements for the next eleven years.

Landscape Impact: First and foremost we would like to question the accuracy of the baseline data and measurements used to prepare the drawings submitted as part of this application. We understand that the applicants are now, at this late stage, commissioning a new set of drawings based on more accurate land measurements. If this is so, then we assert that the application should be withdrawn and resubmitted at a later date using the new, more accurate drawings and measurements and giving interested parties the opportunity to comment on the new drawings which, hopefully, more accurately reflect the real situation.

We believe that the application is contrary to National Policy Para 120 as it would reconfigure this part of the Mendip countryside forever, damaging the landscape and impacting the local community. CPRE is deeply concerned about the scale of this development in open countryside and we feel it is incompatible with the Minerals Plan Vision which speaks of a future which will ' . . . ensure the steady and adequate

supply of minerals . . . whilst protecting the quality of life for local communities in Somerset and protecting and enhancing the county's distinctive natural and historic environments.'

The proposed mineral waste tips would add up to 35 meters or 114 feet in height to current ground lines over an area of 43.6 hectares or 107 acres. This height increase over the tipped fields would radically alter the scale of existing contours. The existing gently undulating countryside will become closely rolling; the quality of the area will be changed for all time. It is impossible to imagine how the resulting landscape could, in any way, look natural, even after the restoration of hedgerows. You simply cannot hide these sorts of man-made and unnatural contours on this scale on a flat-topped ridge by planting a few hedges! It is also unrealistic to suggest that the mature trees in the existing hedges will be able to be transplanted successfully so it is likely to take several decades before a similar network of trees and mature hedges will be in place again on this hillside. CPRE Somerset therefore believes that this application contravenes Somerset Minerals Policy DM1 LANDSCAPE AND VISUAL AMENITY - 'Planning permission for mineral development will be granted subject to the application demonstrating that: the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity;'

We also feel this scheme contravenes Policy SMP 8 RECLAMATION/RESTORATION which states: 'The restoration, aftercare and after-use of former mineral working sites will be determined in relation to: b) the surrounding environmental character and land use(s)'.

This proposal will change the 'the surrounding environmental character' by introducing four alien tips and change the land use so that only around fifty percent of it is productive agricultural land, the rest being "species rich grassland".

We also believe that this scheme contravenes Minerals Policy DM7 RECLAMATION – LONG TERM ASPECTS. Referring to Reclamation Checklist Table 7: Proposals for all minerals sites must: Point 6. 'Minimise the overall amenity and visual impacts of mineral development on the surrounding environment and communities'. The visual impact of this proposal would be particularly intrusive for residents of Three Ashes as many houses would have a direct view of the tip.

In our opinion, this scheme contravenes Minerals Policy DM11 SOLID MINERAL WASTES which states: 'Planning permission for the disposal of solid mineral wastes will be granted subject to the application demonstrating that:

- a) It is not practicable to re-use the material; and
- b) The proposal will not have significant adverse impact on the distinctive character and features of the Somerset countryside'.

The applicant asserts that the overburden 'has no value' and that transporting it to fill, an adjacent disused quarry 'would be uneconomic'. There is no evidence to corroborate these statements and we believe that this alternative course of action should be investigated thoroughly. As already mentioned, CPRE Somerset believes that this scheme will have a significant adverse impact on our countryside and is clearly in contravention of point b) Impact on Local Amenity & Tranquillity: Minerals

Policy DM8: MINERAL OPERATIONS AND THE PROTECTION OF LOCAL AMENITY states that the applicant must demonstrate: 'a) that the proposed development will not generate unacceptable adverse impacts on local amenity: . . . Of particular significance is:

iii) Noise and

c) how the applicant intends to engage with local communities during the operational life of the site.'

Noise: The applicant's "Environmental Statement Chapter 9 – Noise" shows that the quietest of the five areas selected for base-line background and ambient noise testing is at Three Ashes next to Tip A. The levels were: Ambient 50dBA and Background 39 dBA. The result of the tests in Appendix 9B 9.1 state: 'no measurable control of ambient noise and background noise by traffic noise'. The loudest recorded sounds were 'some leaf rustle and bird noise' and "intermittent noise from the steam engine restoration works".

If this is the noise baseline level, how much more intrusive will be the noise of bulldozers and up to six dumper movements an hour (80 dBA (av) and 109 dBA respectively) for five and half days a week (Saturdays until 13.30) for five years?!! The difference between the 'before' and 'after' noise levels is alarming and should not be dismissed lightly.

Amenity: Four footpaths and two bridle paths would be diverted for a period of five to eleven years as part of this proposal. Walkers and horse riders will find themselves passing through a lunar landscape with huge Lorries tipping waste onto fields that were previously pastures for grazing animals. Specifically, Footpath 07/09 will run directly beside the Old Frome Road which carries much heavy and fast traffic and it will therefore lose its formerly rural appeal. Bridle path 18/42 will pass directly to the north of Tip A immediately beside the tip making it unacceptable as a bridle path. Horses are frightened by loud noises and large machinery. For the (estimated) five years of tipping this section of bridle path will be effectively useless for all but the very calmest horses.

Longer term impacts on restoration of Moons Hill and Stoke Quarry: The Minerals Plan 2015 highlights the necessity and importance of the restoration of quarries at the end of production. Moons Hill is currently being worked 80 AOD and will be deepened. Stoke, by the end of its life, will be a 'hole in the ground' of similar scale. The questions must be addressed as to how these holes will be filled? Where will sufficient local material come from for the restoration of these very large voids? It seems ridiculous and short-sighted to squander the quarry waste material by allowing it to be spread on nearby farmland on this scale creating an artificial landscape only to then face the prospect of either just leaving two deep, cold, dangerous water-filled holes or having to import material to fill these holes, causing further damage and disruption to local roads and communities.

** - references made by the CPRE refer to consultation with them / the public by the applicant.

Somerset Wildlife Trust:

NO OBJECTION

Context – our understanding of the application

Wainwrights' propose to create three new tips to accommodate overburden from the existing consented quarry. Proposed tip A will be an extension to the existing Stoke North Tip whilst proposed tip D will be extensions to the existing Moons Hill Tip South. Proposed Tip B is not an extension to an existing tip. The three tips will cover an area of 24.28 ha within an application site area of 43.31 ha. The three tips will raise the land by up to a maximum of 20m during their use over the next 10 years (completion data 2027). Post-development will be restoration to species-rich grassland for management as hay-meadow, 'agricultural grassland for grazing', naturally regenerated grassland, hedgerows, woodland and ponds (attenuation ponds).

Landscape context

Moon's Hill quarry lies in an area dominated by land that is used for agriculture – predominantly as pasture. Much is improved pasture and perennial ley but there are small fragmented areas of species-rich grassland and areas of poor semi-improved neutral grassland mapped on the Somerset habitat map produced by Somerset Wildlife Trust in association with SERC. There are woodlands of considerable size to the south-east of the quarry and some smaller fragments of wooded land within and around the quarry, with a reasonably good network of hedgerows. Wetland is restricted to the quarry pools, although there are some stands of wet grassland. None of the land within the application site has a UK or international designation as a site of nature conservation importance although the Mells Valley Special Area of Conservation (SAC) designated for its greater horseshoe bat breeding population lies within 1-km of the site, and there are a number of SSSIs (biological and geological) and Local Wildlife sites in the surrounding area – these are listed in the Ecology chapter of the ES.

Ecological Networks

The National Planning Policy Framework (NPPF) specifies 'ecological networks' as a feature of the natural environment that should be conserved and enhanced by the planning system. This stems from a requirement under the Habitats Directive 1992. Somerset Wildlife Trust has worked in partnership with Somerset County Council to map the ecological networks in the county.

The Somerset Minerals Plan Vision and Plan Objectives, Objective D is 'To ensure that operational mineral sites are restored to high environmental standards at the earliest possible opportunity, thereby achieving environmental, social and economic gains from mineral development and strengthening local ecological networks' [our emboldening]. Further, Section 10.8 (Site Reclamation) states 'The delivery of planning policy on restoration regarding aggregate quarries should be informed by Maps 7a and 7b, which have been created by Somerset Wildlife Trust's Living Landscape team in conjunction with Somerset County Council'.

Maps 7a and 7b in the Somerset Minerals Plan show Somerset's broadleaved woodland and grassland ecological networks, respectively, in relation to active quarries in the Mendip Hills.

The map of Somerset's ecological network shows species-rich grassland networks within and around Moons Hill quarry but these show small fragments of core habitat with limited dispersal areas (Map 1 attached). Woodland ecological networks are restricted to small stepping stones within the quarry landholding – the only larger woodland networks lying outside the boundary to the south-east. The date of habitat data used for the mapped networks is 2011 but not all of this originated from field survey as access was not gained for all sites. I have looked into the likely quality and condition of these habitats further and have based my interpretation on the most recent data available. The most recent survey data appears to come from the Phase 1 survey conducted for the Ecology Chapter of the Environmental Statement (ES) by AD Ecology on behalf of Wainwrights' presented for this application.

Proposed tip A

Both the ecological network map and the Phase 1 survey show that the habitat within the boundary of proposed tip A is species-poor grassland or ley. However, the northern boundary of tip A abuts a linear section of Three Ashes lanes and Fields Local Wildlife Site – selected for marshy and unimproved grassland. The linear section comprises a green lane that is also a public right of way.

Green lanes provide wildlife corridors and often improve the connectivity of habitat patches.

Restoration proposed for tip A includes species-rich grassland (hay-meadow) creation, creation of pasture, a natural regeneration area (grassland), hedgerows with trees, and an attenuation pond.

Some hedgerow boundary habitat will be retained but approximately 1190m of hedgerow, some of which is species-rich, will be removed as part of the proposed works.

Proposed tip B

Land within proposed tip B was mapped as lowland meadow in 2011 and included as core habitat within a small, fragmented grassland ecological network that extends north from tip B as far as tip A.

The recent Phase 1 survey for the ES describes small areas only of good semi-improved grassland within field B1 and B2 (refer to Appendix 6A in the ES) with species such as eyebright, common spotted orchid, southern marsh orchid, tormentil, ragged robin, meadow vetchling, bird's-foot trefoil, black knapweed, yellow rattle and pignut. Each of these is a wildflower indicator species of Section 41 (Nerc Act 2006)/UK BAP priority grassland habitat (lowland meadow), although their abundance across the whole area is given as either rare or occasional, which would mean that the field as a whole does not meet the criteria.

Whether the previous lowland meadow habitat has been degraded or partially destroyed since 2011 or whether it was always limited in distribution is unclear. The condition of the rest of the 'core' grassland habitat of this network to the north, outside the boundary of tip B cannot be ascertained.

All hedgerow boundary habitats will be retained.

Restoration proposed for tip B includes species-rich grassland (hay-meadow) creation, creation of pasture, replacement of hedgerows with trees, small blocks of new woodland (some woodland will be retained), and two attenuation ponds.

Proposed tip D

Much of the area of the proposed land of tip D is mapped as exposed rock (the quarry face) but fields D1 and D4 are mapped as core habitat and dispersal areas (respectively) for a very small species-rich grassland ecological network. The Phase 1 report by AD Ecology describes a grassland that has some positive wildflower indicator species of S41/UK BAP priority habitat lowland meadow (black knapweed, bird's-foot trefoil, cuckooflower, oxeye daisy, pignut, sheep's sorrel), but again restricted in distribution and frequency. It is clear that there is at least some species-rich lowland meadow habitat in this area but the extent of it is unclear.

Restoration proposed for tip D includes species-rich grassland (hay-meadow) creation in the fields where existing grassland is located, creation of pasture, hedgerows with trees, larger block of new woodland that encircles the northern part of the site, and three attenuation ponds.

Some hedgerow boundary habitat will be retained but approximately 790m of hedgerow, some of which is species-rich, will be removed as part of the proposed works.

Potential loss of species

The Ecological Appraisal identified a number of protected species that either are, or have reasonable likelihood of, using the proposed application site for shelter, foraging, navigation or breeding and therefore likely to suffer habitat loss. It is not our intention to repeat those findings here but we support the recommendations of the Ecology Chapter of the ES of:

- a pre-works survey followed by appropriate mitigation if the badger sett on the site is found to be active;
- undertaking removal of hedgerow habitat only outside bird nesting season (March to August); and
- appropriate precautionary measures as outlined and mitigation for newts (particularly great crested newts).

With regard to bat species using the site, and the potential use of the application site by greater horseshoe bats associated with the Mells Valleys SAC, we defer to

Somerset County Council as the 'competent authority' under the Habitats Regulations for the potential impacts on bat species and a Test of Likely Significant effects on the greater horseshoe bats.

Conclusions

Our thoughts on the impacts of the proposed tips and merits of the proposed restoration are as follows:

- Development of the proposed tips will result in the temporary (up to 10 years) loss of grassland habitat, some of which may be good semi-improved lowland meadow habitat supporting wildflower meadow species but unlikely to be unimproved lowland meadow.

Whether the stands of grassland qualify as UK BAP/S41 (Nerc Act) habitat cannot be ascertained. However, the loss of these areas of grassland will result in further fragmentation, albeit temporarily, of the grassland ecological network in the vicinity of the quarry – a network that is already weak. This should be considered in the restoration plans and also in providing mitigation and possibly compensatory habitat during the period of working the tips.

- Whilst efforts have been made to retain hedgerow boundary habitat to maintain links to habitat outside, the loss of hedgerow habitat is still extensive (1190 m including 1580m of species-rich hedgerow).

This is a significant loss for species using this habitat for shelter, nesting, foraging, navigation etc. We commend the proposal to attempt to translocate sections of hedgerow and other flora where possible although the success of such activities is never guaranteed.

- The proposed restoration of some areas to species-rich grassland and the provision of hedgerows with trees and newly planted woodland is to be commended. The resulting habitats would result in net gains to biodiversity if carried out appropriately. However, the timescale involved (10 years hence) will inevitably result in habitat loss for species associated with the habitat in the short- to medium-term.

- We strongly recommend the use of native species of local provenance for all restoration activities, and the use where possible of green hay from neighbouring species-rich sites rather than commercially available seed. The varying geology (limestone and basalt) of the land at Wainwrights' should be reflected in the restoration proposed: areas with underlying limestone should be restored to calcareous grassland, whilst basalt is more likely to support more neutral swards.

- We are supportive of the proposal that the proposed tips are not worked at the same time to limit the loss of habitat at any one time, and we would be very supportive of restoration plans that aimed for a phased restoration during the lifetime of the application so that habitats are restored at the earliest opportunity.

- We would be keen to see a more detailed management plan of how restoration would be carried out and the timescales for each element.

In conclusion Somerset Wildlife Trust is pleased to see the proposals for semi-natural habitat in the restoration plans and the provision of habitat that is appropriate to the area – our concerns mainly relate to the loss of habitat during the period of working the proposed tips. We are always keen to work with landowners to help to minimise habitat loss and achieve net biodiversity gain and would be happy to work with Wainwrights' to achieve this.

Mendip Society (Minerals):

NO COMMENTS RECEIVED

Public Comment:

31 members of the public have objected, citing:

- Ecological Impact;
- Amenity (Noise / Dust / Light Pollution);
- Impact on the Mendip Hills Area of Outstanding Natural Beauty (AONB) / Special Landscape Area (SLA);
- Loss of Countryside / Hedgerows;
- Cumulative Impact (simultaneous development / operations);
- Change in Character (excessive scale);
- Highway Safety;
- Impact on Telecommunications;
- Loss of Human Rights;
- Land Instability;
- Blasting;
- No alternative use for Overburden detailed;
- Hydrological Impact (surface and groundwater);
- Impacts on Public Rights of Way (PRoW);
- No compensation;
- Impact on existing Rural Businesses (Farms) / Loss of Agricultural Land;
- Tip Site 'C' (in that why is there no 'Tip C')

4 members of the public have stated support, citing:

- Economic Benefit / Employment Opportunities;
- Social Benefit (Earth Science Centre)

6 members of the public have made general comments, suggesting.

- Each Tip proposed could have been the subject of individual planning applications
- Is the restoration plan appropriate?

8. Comments of the Service Manager:

Matters for Consideration:

In this case the following matters are material considerations:

- Principle of Development
- Highways
- Amenity (residential and users) – noise / dust / light
- Visual and Landscape Character Impact
- Ecology
- Water Management (subterranean / surface water)
- Archaeology
- Land Stability
- Other Matters
- Planning Balance

8.1 Principle of Development

8.1.1 The planning application seeks to secure permission for the life of the quarry in relation to permitted extraction – what is proposed will ensure all current permitted reserves can be extracted without the need for additional overburden tips.

8.1.2 The proposal identifies and details what would be a worst case scenario, stating that tipping space would be required for up to 1.63 million cubic metres of overburden.

8.1.3 The mineral mined at the site is Andesite and this mineral is of regional importance.

8.1.4 To establish the acceptability of the principle of development it needs to be identified as being in accordance with the Development Plan, and if not then, on balance, if the proposal would be acceptable bearing in mind material considerations (and whether negatives can be outweighed through the imposition of planning conditions).

8.2. Highways

8.2.1 The relevant Development Plan policies relating to highways are Policy DM9 of the Somerset Minerals Local Plan and Policy DP9 of the Mendip District Local Plan

8.2.2 Policy DM9 reads:

Mineral Transportation

Planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to:

- a) highway safety;*
- b) alignment;*
- c) proximity to buildings;*

- d) air quality;
- e) the integrity of the road network including construction and any impacts on capacity;
- f) disruption to local communities.

Proposals for mineral development that will generate significant transport movements must be supported by a Transport Assessment and Travel Plan.

The Transport Assessment will need to demonstrate that appropriate consideration has been given to the alternatives to road transport, including rail, as a primary freight transport option. Alternatives to road transport should be pursued if they are demonstrated to be practicable and beneficial.

8.2.3 Policy DP9 reads:

Transport Impact of New Development

1. Where appropriate, development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car), and shall include, where relevant, the submission of Travel Plans and/or Transport Assessments.

2. Development proposals will be supported where they:

a) make safe and satisfactory provision for

i. access by all means of travel (particularly by means other than the private car);

ii. emergency vehicles;

iii. servicing; and

iv. parking of motor vehicles and cycles, addressing the needs of all including those with a disability.

b) avoid causing traffic or environmental problems within the wider transport network or generating any requirement for transport improvements which would harm the character or locality; and

c) avoid direct access on to a National Primary or County Route where the proposals are outside designated Development Limits, unless access via a National primary or County Route location is essential for the type of development proposed and mitigation on and off site is fully undertaken as part of the development to the satisfaction of the Highway Authority.

8.2.4 Chapter 7 of the formal Environmental Statement refers to, and considers the effects of the development on Traffic and Highways.

8.2.5 In this instance all overburden generated from the quarry of the regionally important mineral Andesite would be taken to the identified tips internally (within the areas of land in control of the applicant). It is stated that the tips can be constructed without the need to transport overburden on the public highway.

8.2.6 As the proposed creation of the 3 tips would not require vehicles used in their construction accessing or egressing to or from the public highway, impacts on highway safety would be no greater than that currently experienced.

8.2.7 It is noted that the removal of material off site by trucks to treatment / disposal sites via the public highway is a viable option financially and technically, but there would be a significant environmental impact due to the increased numbers of road trips to and from the site to remove the mineral waste.

8.2.8 Therefore, in relation to highways impacts from the development it is accepted that, based on the evidence provided, vehicle movements to and from the site for the purposes of tipping overburden material, using the public highway network, would be negligible (the public highway would not be used by associated vehicles as detailed above).

8.2.9 SCC Highways (statutory consultee) have raised no objection to the proposed development, subject to the inclusion of planning conditions as detailed in their comments.

8.2.10 Knowing that the proposed development is not considered one that would result in there being a 'severe' impact on the Highway Network the scheme would accord with the requirements of paragraph 32 of the NPPF, Policy DM9 of the Somerset Minerals Local Plan and Policy DP9 of the Mendip District Local Plan as the development would avoid causing traffic or environmental problems within the wider transport network and would not generate any requirement for transport improvements which would harm the character or locality.

8.3. Amenity (residential and users) – Noise / Dust / Light

8.3.1 The relevant policies relating to amenity (the issues detailed above) are Policy DM8 of the Somerset Minerals Plan and Policies DP7 and DP8 of the Mendip District Local Plan.

8.3.2 Policy DM8 reads:

Mineral operations and the protection of local amenity

Planning permission will be granted for mineral development subject to the application demonstrating:

- a) that the proposed development will not generate unacceptable adverse impacts on local amenity;*
- b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:*

- i) Vibration;*
- ii) Dust and odour;*
- iii) Noise; and*
- iv) Lighting*

c) how the applicant intends to engage with local communities during the operational life of the site.

8.3.3 Policies DP7 and DP8 read:

DP7: Design and Amenity of New Development

The Local Planning Authority will support high quality design which results in usable, durable, adaptable, sustainable and attractive places.

1. Proposals for new development should demonstrate that they:

- a) are of a scale, mass, form and layout appropriate to the local context*
- b) protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants*
- c) optimise the potential of the site in a manner consistent with other requirements of this policy*
- d) incorporate all practical measures to achieve energy efficiency through siting, layout and design*
- e) maximise opportunities for:*

- i. The use of sustainable construction techniques*
- ii. The use of sustainable drainage systems*
- iii. Renewable energy generation on site*
- iv. The use of water efficiency measures, recycling and conservation*
- v. New residents to minimise, re-use or recycle waste*
- f) use locally sourced or recycled materials wherever practically possible*
- g) meet the access needs of a wide range of users*
- h) incorporate appropriate crime prevention measures*
- i) undertake construction in a manner that makes efficient use of materials and minimises waste.*

2. All allocations will be the subject of either an appropriately detailed Development Brief or Masterplan or other structured and agreed pre-application process prepared in conjunction with the relevant community. Where a Development Brief/Masterplan is prepared, it will, where appropriate, be adopted as a Supplementary Planning Document prior to the granting of planning permission.

DP8: Environmental Protection

All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution.

1. Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on:

- ambient noise levels;*

- *air quality;*
- *the quality of water resources, whether surface river or groundwater;*
- *biodiversity;*
- *light pollution;*
- *land quality and ground stability;*
- *residential amenity; and*
- *public health and safety.*

2. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Any proposed solutions or mitigation measures should comply with relevant EU and British Standards, Environment Agency guidance and national limits or guidelines and take account of any locally adopted standards and supplementary guidance.

3. Development proposals, particularly those in a rural setting and especially those in designated Areas of Outstanding Natural Beauty (AONBs), should make all reasonable efforts to minimise noise and light pollution impacts.

4. Development proposals which are on or adjacent to land which may have been subject to contamination or impact from existing sources of noise will need to demonstrate that measures can be taken effectively to mitigate the impacts on public health, environmental quality, the built environment and amenity. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use. Appropriate mitigation and remediation will be secured through planning conditions on the development.

5. Development will not be permitted within Sewage Treatment Works Consultation Zones unless it is demonstrated that the environment provided for future users will not be adversely affected.

8.3.4 A number of the objections received have stated the impact on amenity from noise, dust and light associated with the formation of the tips proposed.

8.3.5 With regards noise, it is considered that subject to the attachment of appropriate and reasonable planning condition(s) (being that the works are to be carried out in accordance with plans / hours as submitted), the proposed development would be acceptable on the grounds of noise and its impact on neighbouring amenity. This is an approach that would accord with the findings of the SCC Acoustics Advisor on such matters who has not raised an objection on the grounds of noise / impact on amenity.

8.3.6 With regards to dust and the management of dust, the statutory consultee (Somerset Scientific Services) has not raised an objection, subject to the inclusion of a planning condition (dust generated by the development is a possibility and the SCC Air Quality Advisor has stated that prior to the commencement of the development a detailed dust assessment (in accordance with the IAQM document (Guidance on the Assessment of Mineral Dust Impacts for Planning') would be required for submission and approval by the Mineral Planning Authority.

8.3.7 In relation to light pollution, the development proposed would be constructed between the hours of 08.00 hours to 18.00 hours (Monday to Friday (and not on weekends, Public or Bank Holidays) at Tip A, and 07.00 hours to 19.00 hours (Monday to Friday (and not on weekends, Public or Bank Holidays) at Tip B and Tip D, with no artificial lighting proposed.

8.3.8 In light of the above it is not considered reasonable to recommend refusal on the grounds of impact on amenity as the matters can be controlled by way of planning conditions and as such would accord with Policy DM8 of the Somerset Minerals Plan and Policies DP7 and DP8 of the Mendip District Local Plan as the development would seek to offset perceived effects on the residents nearest Tip A with limited working hours, and with reasonable working hours for Tip B and D so minimising effects from vehicle lights. In addition, the proposed development would also be carried out in accordance with submitted schemes as identified as appropriate to suppress dust and minimise noise emissions to acceptable levels, with no external artificial light to be used.

8.4. Visual Impact – Landscape

8.4.1 The relevant policies relating to visual impact are Policy DM1 of the Somerset Minerals Plan and Policy DP4 of the Mendip District Local Plan.

8.4.2 Policy DM1 reads:

Landscape and visual amenity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and*
- b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.*

All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally.

National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Proposals for mineral development within or adjacent to an Area of Outstanding Natural Beauty will need to take full account of the relevant AONB Management Plan; and proposals within or adjacent to Exmoor National Park will need to take full account of the Exmoor National Park Local Plan.

8.4.3 Policy DP4 reads:

Mendip's Landscapes

Mendip district is defined by its landscapes. Proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Any decision-making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The following criteria will be applied in relation to particular landscape designations present in the district:

1. Within the nationally designated Areas of Outstanding Natural Beauty (AONBs) shown on the Policies Map the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be the primary consideration in the determination of development proposals. New developments will be supported where:

- they foster the social or economic well-being of the communities within the designated area or promote the understanding and enjoyment of the special qualities of the AONB - provided that such development is compatible with the wider purpose for which the area was designated, and*
- the site concerned, having regard to alternative options, offers the most appropriate means to limit or mitigate against any negative visual impact on the immediate locality and longer distance panoramic views, and*
- the design and appearance of the proposal is responsive to its context and where visible within the wider landscape makes a positive contribution that reinforces the character of the AONB.*

Proposals in areas adjacent to the AONB will, depending upon their prominence in the wider landscape, be expected to demonstrate that their location and form do not compromise the setting of the designated area.

2. Proposals for development which lie within or which would affect the setting of Special Landscape Features (as defined on the Policies Map) will be determined with regard to their impacts upon their specific qualities as described in the 2012 "Assessment of Special Landscape Features."

3. Outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas, including cultural and historical associations, as detailed in the "Landscape Assessment of Mendip District."

4. Proposals affecting Regionally Important Geological and Geomorphological Sites (RIGS) should seek to ensure that the integrity of the area designated is not compromised.

8.4.4 It is accepted that development by its very nature often results in change of scale in one form or another. What needs to be considered is whether that scale or change is commensurate to the location, and if that is acceptable on planning balance.

8.4.5 In this case a number of objections raised have cited the increase in land levels and the visual impact this would have.

8.4.6 To enable pragmatic assessment to be made, the nature of the mineral resource and nature of extraction to access the mineral resource needs to be understood.

8.4.7 The submitted information states that:

The waste overburden comprises primarily weathered andesite rock interbedded with mudstones and ash rock materials. The degree of weathering generally decreases with depth from the original ground surface, however there are pockets of completely weathered rock which locally extend to a depth of 12m below original ground level. Conversely, there have been areas where there is only slightly weathered andesite rock present within 1-3m of original ground surface. The completely weathered materials have broken down to sandy clays with gravels and occasional boulders. The more weathered andesite and tuff materials largely comprise boulder, cobble and gravel sized blocks of material.

When the more weathered andesite materials are excavated, and when space and time allows, they are either stockpiled to allow for further weathering to occur and then processed, or directly processed to recover as much saleable stone as possible. Lack of stockpiling room means that the majority of andesite materials are now (and will continue to be) directly processed. Where the overburden comprises mostly mudstones and or ash rock materials then these materials go directly to tip as no consistent quality saleable product can be made. It is not unusual for all materials from the upper benches to go to tip due to the variable nature and disposition of material present and the potential variable quality of the processed end product.

8.4.8 By the nature of the geology on site it is clear that there would be a considerable volume of overburden that needs to be managed whilst extraction is on-going.

8.4.9 Comments received have suggested the over burden material could be used to back fill areas extracted.

8.4.10 It is understood that the target mineral at Moons Hill Quarry is andesite which has a high “polished stone value” (PSV) and is prized as a road stone in the wearing surface due to its skid resistance. The extraction of this andesite requires the removal of the overburden described by GWP above (to a depth of 12m below ground level). Although the overburden contains a percentage of andesite it is, a weaker weathered rock, in comparison to the underlying un-weathered high PSV andesite.

8.4.11 Current product specifications limit the potential use of much of the overburden, although the applicant remains open minded to technological advances

as it is clearly within their interest to reduce this costly waste stream to negate the process of moving them to tip. As a result, it is understood that the applicant is continually looking for opportunities to drive these materials up the value chain and to make its operations more sustainable. As an example, the applicant is working with a soil stabilisation specialist to minimise disposal of overburden products.

8.4.12 Nevertheless, much of the overburden must be placed in quarry waste tips due to very limited market opportunities. This is a common practice to all hard rock quarry operations. Furthermore, given the large volumes of overburden found above the target mineral at Moons Hill Quarry, the majority of these materials must be placed in tips in campaigns to ensure the continued operations at the quarry.

8.4.13 In this case it is understood two options for over burden management are available. The first option, and one that has been discounted, is to use one location for the deposit of all over burden.

8.4.14 With the known volumes (based on a worst case scenario), this could result in the creation of a very sizeable tip, with steep sides and a high finish height. The alternative is the creation of separate tip areas that would have shallower sides and reduced finish height.

8.4.15 Contrary to some comments that have been received, the site is not in a location designated for its natural beauty (i.e., it is not in the Mendip Hills AONB). In addition, the NPPF states that, in paragraph 144, that:

“When determining planning applications, local planning authorities should:

- *give great weight to the benefits of the mineral extraction”*

8.4.16 Knowing the above, any concerns (and the associated weight that could be apportioned) relating to visual impact from the development is tempered by the great weight that applies to the delivery of minerals, especially when the site area is not protected by a landscape designation (such as being in a National Park or in an AONB).

8.4.17 However, visual impact is still relevant to consideration.

8.4.18 In this case, the scale of the original and revised tip designs is important.

8.4.19 For Tip A, to the north west of the site, the redesign of the slopes on the western side of Tip A has sought to reflect the lines and gradients of comparative slopes nearby (to a gradient of 1:5).

8.4.20 It is accepted that the deposition of material in the Tip A location would alter the character of the current fields, but with proposed development phasing as identified in the application the extent of visual disruption would be limited, with the creation of a bund, with backfilling to the east. Subsequent increases in the height of the tip would take place further away from the properties to the west as phased tipping continues with mineral extraction. It is accepted the development would result in visual change but with the proposed restoration and phasing (as detailed in the

application) it would be acceptable as the development would be progressively restored as tipping proceeds (so minimising visual impact).

8.4.21 The deposition of over burden at Tip B (West and East) would, as best as possible, replicate the gradients of the local topography (it seeks to have comparable slope gradients and end uses). The highest point of the Tip B (West) would be 284.5 metres AOD – a slight increase from the current highest point in the field to the west of the Tip B (West) boundary – 279 metres AOD. Tip B (West) would also benefit from the screening provided by semi-mature trees alongside Old Frome Road.

8.4.22 The deposition of over burden at Tip B (East) would be more visible from the public highway and its users, with the necessity of vehicles to slow towards the junction of Long Cross Bottom / Old Frome Road. The site would again be partially screened and this, together with the initial bund construction (both west and east), then backfilling (followed by grassland restoration of both West and East), would help mitigate visual impacts. It is accepted the development would result in visual change but with the proposed restoration and phasing, together with the progressive restoration / landscaping it is considered long term visual impacts would be mitigated.

8.4.23 The extension of the tipping operation at Tip D, as revised (being pulled back from Long Cross Farm than that originally proposed (from circa 85 metres to circa 195 metres distant)), would seek to create a shallow (less than 1:5 gradient) incline from south to north. In this location, the character is one dominated by the existing Moons Hill South Tip and the continuation of this tip would not appear alien, having been well established and identified as being in the context of the wider Moons Hill Quarry operation.

8.4.24 Visual impacts from the development are accepted, but it is not considered that the long term visual impact would be so negative as to warrant a recommendation of refusal on visual impacts grounds. As such, subject to full extraction and restoration in accordance with the plans as submitted, it is not considered reasonable to recommend refusal on the grounds of visual impact.

8.4.25 On balance, with the proposed mitigation and the delivery of minerals (NOTE - the NPPF stresses that the delivery of minerals by Mineral Planning Authorities must be given 'Great Weight' when determining such planning applications), it is considered the delivery of minerals that are defined as being of regional importance is acceptable from a visual perspective and with planning conditions the proposed development would accord with Policies DP4 of the Mendip District Local Plan and DM1 of the Somerset Minerals Plan, as the development would not generate unacceptable adverse impacts, and that as the site is outside of designated landscape areas, it is considered the siting and design are sufficiently compatible with the pattern of the agricultural landscape.

8.5. Ecology

8.5.1 The relevant Development Plan policies relating to ecology are Policies DM2 and DM7 of the Somerset Minerals Plan and Policy DP5 of the Mendip District Local Plan.

8.5.2 Policies DM2 and DM7 read:

DM2 Biodiversity and Geodiversity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity; and*
- b) measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity.*

Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.

The weight of protection given to a site will be that afforded by its statutory or non-statutory designation, its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.

A 'test of likely significance' will be required for mineral development proposed which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites.

NOTE – the reference to the 'test of likely significance' is referred to in Consultee comments as 'TOLSE'. This has been undertaken by the SCC Ecologist, and the findings have been concurred with by Natural England in that *"although there is likely to be some effect on greater horseshoe bats if present, it is unlikely to be significant provided that a Landscape and Ecology Management Plan for the duration of and subsequent to the proposed development"*.

DM7 Restoration and Aftercare

Planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which:

- a) clearly state how the criteria in the reclamation checklist (Table 7) have been met; and*
- b) include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site.*

Restoration proposals will be subject to a five year period of aftercare. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved.

8.5.3 Policy DP5 reads:

Biodiversity and Ecological Networks

The Council will use the local planning process to protect, enhance and restore Somerset's Ecological Network within Mendip.

1. All development proposals must ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species.

2. Proposals with the potential to cause adverse impacts on protected and/or priority sites, species or habitats are unlikely to be sustainable and will be resisted.

Exceptions will only be made where:

- a) the impacts cannot be reasonably avoided,*
- b) offsetting / compensation for the impacts can be secured,*
- c) other considerations of public interest clearly outweigh the impacts, in line with relevant legislation.*

Offsets as mitigation or compensation required under criterion b) will be calculated using Somerset County Council's Biodiversity Offsetting methodology.

8.5.4 Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).

8.5.5 In this instance the site doesn't have a statutory designation constraint relating to ecology. In addition the site is not identified as a Local Wildlife Site (LWS) or County Wildlife Sites (CWS).

8.5.6 Concerns (as opposed to objections) relating to the loss of grassland habitat during the construction of the tips has been made. In terms of the interim loss of habitat it is acknowledged that tipping and the restoration of tips will be phased, with completed areas of tipped overburden being re-seeded / planted as tipping progresses.

8.5.6 The submitted Environmental Statement (ES) identifies in Chapter 6 the presence on site of protected species / protected species habitats (notably Badgers; Bats and Great Crested Newts (GCN)). The ES also proposes various courses of mitigation for those protected species identified.

8.5.7 With regards habitat lost and habitat restored, the following table provides a numerical comparison that details the overall increase, long term, of suitable habitat:

	Habitats Lost		Habitats Restored	
	Area (ha)	Habitat Units	Area (ha)	Habitat Units
Grassland	23.13	175.5	25.48	427.1
Hedgerow	1.52	7562.6	2.69	10113
Greater horseshoe bats	24.65	122.3	28.17	276.2
Lesser horseshoe bats	24.65	53.8	28.17	84.0
Great crested newt	5.65	23.0	9.86	35.4

8.5.8 In relation to Badgers, as a protected species, any works where a sett needs to be shut would require, and be carried out in accordance with a licence from Natural England. In this case, there is one main (active in June 2016) badger sett within the existing operational quarry to the east of Area A, while an outlier sett and artificial sett located to the west of Area B were disused in 2013. It is expected that the active main sett will be protected with a minimum 20m buffer as part of the implementation of Tip A. However, there is a low potential that the sett could be adversely affected (removed / damaged / disturbed) as part of the proposed Tip Area A work. Other disused setts would remain unaffected.

8.5.9 Knowing that there would be no complete loss at any one time during tipping operations of identified habitat, and that the final restoration of the scheme should result in biodiversity enhancement and percentage gain (comparable to that currently in situ) it is considered that, subject to planning conditions, the scheme would accord with Policies DM2 and DM7 of the Somerset Minerals Plan, Policy DP5 of the Mendip District Local Plan, the NPPF and Circular 06/2005. The reasoning for this position is that the 'TOLSE' as produced by SCC has stated that, with the provision of a Landscape and Ecology Management Plan (which would include appropriate restoration and aftercare), impacts on protected species would be minimised, and compensation for impacts can be secured.

8.6. Water Management (subterranean / surface water)

8.6.1 The relevant Development Plan policies relating to water management are Policy DM4 of the Somerset Minerals Plan and Policies DP7, DP8 and DP23 of the Mendip District Local Plan.

8.6.2 Policy DM4 reads:

Water Resources and Flood Risk

Planning permission for mineral development will be granted subject to the application demonstrating that the proposed development will not have an unacceptable adverse impact on:

a) the future use of the water resource, including:

- i. the integrity and function of the land drainage and water level management systems;*
- ii. the quality of any ground or surface water resource, where the risk of pollution and/or adverse impact on the resource would be unacceptable;*
- b) the environmental value and visual amenity of the water resource; and*
- c) drainage and flood risk to people, property or business*

With regards to water flows, both subterranean and surface water, the consultees have not objected to the proposals on the impacts on effects on water bodies or water flows (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions).

8.6.2 Policies DP7, DP8 and DP23 read:

DP7: Design and Amenity of New Development

The Local Planning Authority will support high quality design which results in usable, durable, adaptable, sustainable and attractive places.

1. Proposals for new development should demonstrate that they:

- a) are of a scale, mass, form and layout appropriate to the local context*
- b) protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants*
- c) optimise the potential of the site in a manner consistent with other requirements of this policy*
- d) incorporate all practical measures to achieve energy efficiency through siting, layout and design*
- e) maximise opportunities for:*

- i. The use of sustainable construction techniques;*
- ii. The use of sustainable drainage systems;*
- iii. Renewable energy generation on site;*
- iv. The use of water efficiency measures, recycling and conservation;*
- v. New residents to minimise, re-use or recycle waste*

- f) use locally sourced or recycled materials wherever practically possible*
- g) meet the access needs of a wide range of users*
- h) incorporate appropriate crime prevention measures*
- i) undertake construction in a manner that makes efficient use of materials and minimises waste.*

2. All allocations will be the subject of either an appropriately detailed Development Brief or Masterplan or other structured and agreed pre-application process prepared in conjunction with the relevant community. Where a Development Brief/Masterplan is prepared, it will, where appropriate, be adopted as a Supplementary Planning Document prior to the granting of planning permission.

DP8: Environmental Protection

All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution.

1. Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on:

- ambient noise levels;*
- air quality;*
- the quality of water resources, whether surface river or groundwater;*
- biodiversity;*
- light pollution;*
- land quality and ground stability;*
- residential amenity; and*
- public health and safety.*

2. Development proposals must include an assessment appropriate to the type and extent of impact and any associated risks to the satisfaction of the relevant environmental body. Any proposed solutions or mitigation measures should comply with relevant EU and British Standards, Environment Agency guidance and national limits or guidelines and take account of any locally adopted standards and supplementary guidance.

3. Development proposals, particularly those in a rural setting and especially those in designated Areas of Outstanding Natural Beauty (AONBs), should make all reasonable efforts to minimise noise and light pollution impacts.

4. Development proposals which are on or adjacent to land which may have been subject to contamination or impact from existing sources of noise will need to demonstrate that measures can be taken effectively to mitigate the impacts on public health, environmental quality, the built environment and amenity. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use. Appropriate mitigation and remediation will be secured through planning conditions on the development.

5. Development will not be permitted within Sewage Treatment Works Consultation Zones unless it is demonstrated that the environment provided for future users will not be adversely affected.

DP23: Managing Flood Risk

1. Development will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will only be considered where essential for regeneration or where necessary to meet specific local requirements.

2. *Development in areas at risk of flooding will be expected to:*

*a) be resilient to flooding through design and layout; and
b) incorporate sensitively designed mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards, or a commitment to undertake, such off-site measures as may be necessary, in order to ensure that the development remains safe from flooding over its lifetime, taking into account the predicted impact of climate change.*

3. All development will also be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS).

8.6.3 A number of objections have cited subterranean water flows and the effect this could have on the stability of the proposed tips. Land Stability has been considered in this report.

8.6.4 With regards to water flows and the proposed Tips, both subterranean and surface water, the Statutory Consultees have not objected to the proposals on the impacts on effects on water bodies or water flows (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions). Furthermore, the only element to be protected is the known spring on Tip A site. This water flow is to be channelled and is to be covered with an impermeable membrane for the length of the drain only, ensuring appropriate contact between the tip material and the sub-base of the Tips. The membrane will ensure the drain does not become clogged with sediment ensuring the continuous flow of spring water, safely from the site. Such protection should ensure ground is not saturated beneath the tips from the flow of spring water.

8.6.5 In this instance it is considered the proposed development accords with Policies DP7, DP8 and DP23 of the Mendip District Local Plan and Policy DM4 of the Somerset Minerals Local Plan and as such, subject to the development being carried out in accordance with the submitted details and planning conditions, it is not considered the scheme would be to the detriment of surface or ground water flows and would not impact on water quality as the material is sourced 'on site' (from the Moons Hill Quarry complex), and is not considered to be a material that would result in negative impacts on water quality (being the same material as that currently in place at the Tip sites). Furthermore, rates of water flow from the sides of tipped over burden would be reduced with water being retained / slowed with the use of vegetation on the slopes (the slopes being progressively restored).

8.7. Archaeology

8.7.1 The relevant Development Plan policies relating to archaeology are Policy DM3 of the Somerset Minerals Plan and Policy DP3 of the Mendip District Local Plan.

8.7.2 Policy DM3 reads:

Historic Environment

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or impacts have been identified, these can be adequately mitigated; and*
- b) for proposals that impact on the integrity, character or setting of a heritage asset, impacts have been adequately considered by desk-based assessment and field evaluation and with reference to the Somerset Historic Environment Record and the records of designated heritage assets held by English Heritage; and*
- c) adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist, and the recording of relevant information to advance understanding of the asset.*

The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).

8.7.3 Policy DP3 reads:

Heritage Conservation

Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance and setting of the district's Heritage Assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identity of Mendip.

1. Proposals affecting a Heritage Asset in Mendip will be required to:

- a) Demonstrate an understanding of the significance of the Heritage Asset and/or its setting by describing it in sufficient detail to determine its historic, archaeological, architectural or artistic interest to a level proportionate with its importance.*
- b) Justify any harm to a Heritage Asset and demonstrate the overriding public benefits which would outweigh the damage to that Asset or its setting. The greater the harm to the significance of the Heritage Asset, the greater justification and public benefit that will be required before the application could gain support.*

2. Opportunities to mitigate or adapt to climate change and secure sustainable development through the re-use or adaptation of Heritage Assets to minimise the consumption of building materials and energy and the generation of construction waste should be identified. However, mitigation and adaptation will only be considered where there is no harm to the significance of a Heritage Asset.

3. Proposals for enabling development necessary to secure the future of a Heritage Asset which would otherwise be contrary to the policies of this plan

or national policy will be carefully assessed against the policy statement produced by English Heritage “Enabling Development and the Conservation of Significant Places” (2008).

8.7.4 The three Tip sites detailed in the planning application do not have statutory heritage asset designation constraints. Consultees on heritage matters have not raised objections relating to the proposed mineral extraction (Mendip DC and SCC Archaeology Officer), suggesting that there wouldn't be any impact (harm) from the proposed development.

8.7.5 Knowing the above it is considered the scheme accords with the requirements of Policy DM3 of the Somerset Minerals Local Plan and Policy DP3 of the Mendip District Local Plan as the development would not result in loss of, or harm to unidentified heritage assets on or near the site.

8.7.6 In relation to identified heritage assets (principally Listed Buildings) to the west of Tip A, the development is considered suitably distant from them as to ensure that any perceived harm to the setting is minimised. This would be further reduced once the landscaping detailed for the Tips has been completed.

8.8. Land Stability:

8.8.1 The consideration of land stability of the future tips is material in this case, as prescribed by the NPPG.

8.8.2 It states at paragraph 001 that:

The effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. They occur in different circumstances for different reasons and vary in their predictability and in their effect on development.

The planning system has an important role in considering land stability by:

- *minimising the risk and effects of land stability on property, infrastructure and the public;*
- *helping ensure that various types of development should not be placed in unstable locations without various precautions; and*
- *to bring unstable land, wherever possible, back into productive use.*

The NPPG goes on to state at paragraph 002 that:

When dealing with land that may be unstable, the planning system works alongside a number of other regimes, including:

- *a general duty on the site operator to ensure the safety of quarry excavations and tips; and that once abandoned the quarry is left in a safe condition, as required under the Quarries Regulations 1999.*

8.8.3 In addition, paragraphs 120 and 121 of the NPPF need to be considered, where they read:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

121. Planning policies and decisions should also ensure that:

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*

8.8.4 Furthermore, consideration needs to be given to Policy DM10 of the Somerset Minerals Plan, and the sub-text contained in paragraph 21.6. They read as follows:

DM10: Land Stability

Proposals for mineral development will need to demonstrate, via the submission of a stability assessment prepared by a competent person, that:

- a) the proposal will not have an adverse impact on the stability of neighbouring land or properties; and*
- b) the proposal will not result in watercourse channel instability either during the working phase of a minerals development or at any time after the cessation of mineral extraction operations.*

21.6

In considering tip and quarry slope stability linked with new applications, relevant technical information should be provided by a competent person as part of the planning application. A competent person is one with a recognised relevant qualification, sufficient experience in dealing with land stability and current membership of a relevant professional organisation (see NPPF glossary).

As well as current policy, the jurisdiction of different controlling regimes needs to be understood – in this case the Quarry regulations 1999 (enforced by the Health and Safety Executive (HSE)) and the Planning System.

This is explained best by the now-defunct Minerals Planning Guidance note 5, where it stated in paragraph 13:

Surface mineral working and tipping operations constitute development and therefore require permission under the Town and Country Planning Acts. As indicated in PPG 14, stability is a material planning consideration in so far as it affects land use but the planning system should not seek to duplicate controls that are the statutory responsibility of other bodies. The risks to health and safety of people are thus properly considered under health and safety legislation. However, where any instability may threaten land outside of the boundaries of the mineral working or tip, it may not necessarily threaten the health and safety of people though it could affect neighbouring land use. The MPA then has a duty to consider the potential effects on land use in the public interest and where necessary to consult adjoining landowners and other third-party interests.

8.8.5 A number of the objections received have stated the potential impact of land stability on neighbours as a reason for refusal of the scheme. The Parish Council (Stoke St Michael) have also cited the Aberfan disaster as justification for this stance.

8.8.6 The applicants have submitted a 'Stability Assessment for Proposed Tips A, B and D'; produced by GWP Consultants LLP (dated June 2017).

8.8.7 The author of the GWP LLP report is a Chartered Geologist and a Fellow of the Institute of Quarrying. In addition, the counter-signatory is a Member of the Institute of Materials, Minerals and Mining, as well as a Fellow of the Geological Society. Both are Doctors in their field of expertise (Civil Engineering and Geotechnical Engineering respectively). Between them they have circa 65 years of experience in the field of geology and mining.

8.8.8 With regards the competence of GWP LLP, in relation to Policy and sub-text (paragraph 21.6 of the Somerset Minerals Plan), it is considered that they are suitably qualified, experienced and are members of the appropriate professional body to be able to produce reliable evidence on matters of land [in] stability.

8.8.9 The professional opinion detailed in the report submitted (GWP LLP Report 'Stability Assessment for Proposed Tips A, B and D' (dated June 2017)) states that:

Stability analyses have been undertaken for the proposed tip geometries using a conservative shear strength envelope determined from the testing of materials recovered from on site. The analyses show that the proposed and existing tip slopes are adequately secure in the long term even when adopting a fully saturated slope and a lower bound shear strength envelope for tipped waste materials. Given an adequate Factor of Safety is achieved using the lower bound shear strength envelope it has not been necessary to analyse the proposed slopes using the derived average shear strength parameters for which a higher Factor of Safety would obtain.

The proposed temporary inner screening bund slopes progressively formed during tip construction will be secure for the life of the structure assuming the foundations are stripped of all weak materials prior to construction.

The final tip designs consider the stability guidelines, visual impact and end use and ensure the proposed structures are secure in the long term.

The foundations of all new tips will need to be inspected when the soils are removed to assess the need to install additional underdrainage measures. Where flows are encountered then a buried French drain, comprising a geotextile wrapped gravel filled trench, will be designed and installed to control any underflows, with direct connection to a peripheral drainage ditch.

The lower western slopes of the Moons Hill South Tip are currently fully restored and the soils are grassed and are stable. The raising of the Moons Hill South Tip into the final Tip D proposed landform will have negligible impact in respect of stability on the existing critical lower western slopes of the tip, and the structure will be stable in the long term.

8.8.10 In this instance the submitted report appears comprehensive and the findings have been produced by an applicant appointed specialist who has to accord with their professional code. In summary they have stated that the design of the tips is one that would be suitably secure and would remain stable for their lifetime and that the design is considered one that would accord with adopted policy of the Development Plan and the NPPF.

8.8.11 However, points raised regarding the appropriate use of retrospective drainage measures have been made by the SCC Geotechnical Advisor in their comments, particularly relating to Tip A and Tip B, and that without details on a future 'underdrainage' scheme the claim that water flows could be suitably managed and stability of the tips maintained has been questioned.

8.8.12 In this instance, as it is a duty of the Mineral Planning Authority (MPA) to 'minimise the risk and effects of land stability on property, infrastructure and the public' (Planning Practice Guidance note (PPGn)), as the presence of 'underflows' has been identified as a possible result of the operation, the provision and installation of an appropriate and adequate 'underdrainage systems' is deemed reasonable (and has been stated in Chapter 8 of the formal Environmental Statement as infrastructure that would be provided 'as a minimum', and referred to above in this recommendations), with the objective of minimising risk.

8.8.13 Such a scheme can be secured by way of planning condition.

8.8.14 In relation to Tip D, the submission states that there should be 'continued monitoring of groundwater levels below the steep western slope [of Tip D]'. In this instance it is considered reasonable and appropriate to secure such monitoring (and actions to mitigate) by way of planning condition. This should ensure accordance with the duties of the MPA regarding the PPGn.

8.8.15 In addition, and separate to the Development Plan and the NPPF, the stability of the tips as proposed would also be subject to controls as prescribed in the Quarry regulations 1999, with monitoring of such elements carried out by the Health and Safety Executive. The element that falls to the MPA is that where the stability of

perimeter slopes could impact on those land uses beyond the tip boundary, following the cessation of tipping activity.

8.8.16 In this case there is a duty to consider the potential effects on land use in the public interest. From the details and designs submitted the scheme has been considered and approved by suitably qualified individuals and the potential long term impacts on adjacent land uses (such as public rights of way) can be controlled by planning condition (where they require the final landforms to be retained and maintained in their final form in perpetuity).

8.8.17 In this instance it is considered that, subject to appropriate and reasonable planning conditions (principally working in accordance with plans (phasing and profiles), matters concerning land stability can be suitably managed ensuring the safety of the wider general public.

8.8.18 In summary it is considered the tips would accord with Policy DM10 and paragraph 21.6 as it has been stated by a competent person (persons in this case) that the scheme would not have an adverse impact on the stability of neighbouring land / users and the proposal would not result in watercourse channel instability. Furthermore, it is noted that ultimately the responsibility for securing a safe development rests with the developer and/or landowner (as prescribed by the NPPF).

8.8.19 The gradient and management of the finished slopes, as detailed on the plans submitted, are deemed to result in profiles that would be suitably stable as to ensure no impact on neighbouring land uses beyond the site as identified in the long term (either during or post cessation of tipping of overburden material).

8.8.20 ** The County Council acknowledges that the reference made to Aberfan within its geotechnical consultants advice, whilst highlighting the concern of potential land instability and risk to land beyond the application site, may have been unintentionally emotive. As a result the advice was withdrawn, refined and resubmitted.

8.9. Other Matters

8.9.1 Public Rights of Way (PRoW)

8.9.1.1 The relevant Development Plan policy in this instance are Policy DP1 of the Mendip Local Plan and Policy DM6 of the Somerset Minerals Plan, which reads:

DP1

Local Identity and Distinctiveness

- 1. All development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district.*
- 2. Proposals should be formulated with an appreciation of the built and natural context of their locality recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other*

features collectively generate a distinct sense of place and local identity. Such features may not always be designated or otherwise formally recognised.

3. Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also take into account efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location.

DM6

Proposals for mineral development that have the potential to impact on the rights of way network in Somerset will need to demonstrate how the affected part of the network or any alternative route will be managed and maintained. Where proposals are likely to have an unacceptable adverse impact on the rights of way network, the applicant must provide a satisfactory, authorised replacement route (either temporary or permanent).

Authorised diversion routes must meet the relevant criteria, be fit for purpose and easily accessible, without causing significant disturbance to wildlife. If temporary, the original right of way shall be reinstated as soon as is practicable. If permanent diversion is required this shall seek to improve on and enhance the original public right of way.

8.9.1.2 The site proposed for the three tips would affect an existing PRoW (footpath). In this instance the relevant Statutory Consultee has not objected to the proposed development on the grounds of potential impacts to the PRoW or the users' amenity of the PRoW.

8.9.1.3 What the response has identified is the obligation on the land owner to ensure the affected PRoW are diverted in accordance with the requirements of the Town and Country Planning Act 1990 (as amended).

8.9.1.4 In this instance, alternative routes and enhancements to the PRoW are proposed (the formality of changes are to be secured via an Order subject to section 257 of the Town and Country Planning Act 1990 (as amended)).

8.9.1.5 Knowing the above, and that the diversion of the identified PRoW would fall under the remit of a different legislative regime it is considered acceptable to support the proposal in relation to PRoW, as impacts on amenity would be temporary (for the period of development) and subsequent amenity enhanced (with delivery of alternative routes being the subject of planting / landscaping). For these reasons it is considered the scheme would accord with Policy DM6 of the Somerset Minerals Plan and Policy DP1 of the Mendip District Local Plan as the proposal would seek to minimise any negative effect from the loss of the PRoW with its (the PRoW) diversion.

8.9.1.6 In this instance the consultee has recommended that as work involved in this proposal would require the stopping up and moving of a PRoW, then a temporary closure order would be necessary and that a suitable alternative route be required.

8.9.2 Agricultural Land Classification (ALC) / Loss of Agricultural Land:

8.9.2.1 The application's supporting documentation suggests the ALC is Grade 5. However, from available records (www.magic.gov.uk and SCC records) the land is identified as Grade 3 (Tips A and D) and Grade 4 (Tip B).

8.9.2.2 In this instance the guidance detailed in paragraph 112 of the NPPF needs to be considered.

8.9.2.3 Paragraph 112 reads:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

8.9.2.4 In this instance, with the delivery of minerals being given 'great weight' in deliberations (as prescribed in paragraph 144 of the NPPF) it is considered that the loss of Grade 3 and Grade 4 Agricultural Land is considered acceptable as the delivery of minerals (and their associated benefits) would carry more weight in planning deliberations and balance than the retention of lower grade agricultural land.

8.9.2.5 Therefore it is considered the proposed development is acceptable in terms of the benefit gained from the delivery of minerals over the loss of this relatively low grade quality agricultural land, and as such the planning application can be supported from this perspective as it would accord with paragraphs 112 and 143 of the NPPF (in that poorer quality agricultural land would be used, and that the use of the Tips would be returned to agricultural use once tipping is complete).

8.9.3 Impact on Rural Businesses (Farming):

8.9.3.1 It is accepted the development proposed would by its nature result in the loss of Grade 3 and Grade 4 agricultural land, for the period of time needed to complete the tips as identified.

8.9.3.2 It is also noted that the land identified as being lost is in the ownership of the applicant and as such the rights of use of that land by those wishing to farm the fields is also within the control of the applicant.

8.9.3.3 Although the use of the fields could result in a degree of disruption to business operations, the land would in general be returned to agricultural use so long term would not be construed as a loss of agricultural land. Such an impact would need to be considered as part of the planning balance for and against the proposal.

8.9.3.4 As the land is in the ownership of the applicant, the land identified would be rented and any financial loss over the time period of tipping is considered in this instance would be a civil matter between the land owner and the tenant farmer.

8.9.4 Tip Site 'C':

8.9.4.1 Reference has been made to 'Tip Site 'C''. In the planning application the proposal seeks consent for Tips A, B and D. There is no Tip C. As such, consideration of something that does not form part of a proposal cannot be done and as such this can have no material weight in deliberations.

9. Planning Balance

9.1 In relation to the delivery of minerals, the NPPF states in paragraph 144 that:

... Local Planning Authorities should ... give great weight to the benefits of the mineral extraction, including to the economy.

9.2 As the site has no statutory designation constraints directly applicable, that water management / land stability / ecology / PRoW / Highways / Visual and Landscape Character Impact / temporary loss of agricultural land would be acceptable, that there would be benefits from the mineral extraction (which would also result in the retention of existing staff levels and the associated economic and social benefits that entails), as well as there being final biodiversity enhancement to the area, it is considered that the scheme would be acceptable on balance and should be supported.

10. Recommendation:

It is recommended that planning permission be granted subject to the imposition of the conditions in section 10 of this 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.

1. Duration of Development and Implementation of Permission

The development hereby permitted shall be completed, and the site restored and aftercare completed in accordance with the approved plans and schemes within 20 years from the date of the implementation of this permission. The Mineral Planning Authority shall be formally notified in writing that the planning permission has been implemented within 14 days of that implementation date.

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

2. Completion in accordance with the approved details

The development hereby permitted shall be completed in strict accordance with the approved plans and specifications as set out below:

Plans Schedule:

- 594A-01-01Rev.A Site Location Plan
- 594A-01-02Rev.A Site Plan
- 594A-01-03 Proposed Tip A Topographic Site Survey (Rev 02)
- 594A-01-04 Proposed Tip B Topographic Site Survey (Rev 02)
- 594A-01-05 Proposed Tip D Topographic Site Survey (Rev 02)
- 594B-01-06 Tip A Final Landform
- 594B-01-07 Tip B Final Landform
- 594B-01-08 Tip D Final Landform
- 594B-01-09 Tip A – Phase 1A
- 594B-01-10 Tip A – Phase 1B
- 594B-01-11 Tip A – Phase 2A
- 594B-01-12 Tip A – Phase 2B
- 594B-01-13 Tip A – Phase 3A
- 594B-01-14 Tip A – Phase 3B
- 594B-01-15 Tip A – Phase 4A
- 594B-01-16 Tip A – Phase 4B
- 594B-01-17 Tip A – Phase 5A
- 594B-01-18 Tip A – Phase 5B
- 594B-01-19 Tip A – Section AA’ 3 Ashes Phases 1A-3A (5 sections)
- 594B-01-20 Tip A – Section AA’ 3 Ashes Phases 3B-5B (5 sections)
- 594B-01-21 Tip A – Section BB’ 3 Knapps Farm Ph1A-3A (5 sections)
- 594B-01-22 Tip A – Section BB’ Knapps Farm Phases 3B-5B (5 sections)
- 594B-01-23 Tip A – Section CC’ Midway Farm Phases 1A-3A (5 sections)
- 594B-01-24 Tip A – Section CC’ Midway Farm Phases 3B-5B (5 sections)
- 594B-01-25 Tip B – Phase 1A
- 594B-01-26 Tip B – Phase 1B
- 594B-01-27 Tip B – Phase 2A
- 594B-01-28 Tip B – Phase 2B
- 594B-01-29 Tip B – Phase 3A
- 594B-01-30 Tip B – Phase 3B
- 594B-01-31 Tip B – Phase 3C (Tip B West complete – 7 phases)
- 594B-01-32 Tip B – Phase 4A
- 594B-01-33 Tip B – Phase 4B
- 594B-01-34 Tip B – Phase 5A
- 594B-01-35 Tip B – Phase 5B
- 594B-01-36 Tip B – Phase 6A
- 594B-01-37 Tip B – Phase 6B
- 594B-01-38 Tip B – Phase 6C (Tip B East complete)
- 594B-01-39 Tip B – Section AA’ Knapps Farm Phases 1A-3A (5 sections)
- 594B-01-40 Tip B – Section AA’ Knapps Farm Phases 3B-5A (5 sections)
- 594B-01-41 Tip B – Section AA’ Knapps Farm Phases 5B-6C (4 Sections)

- 594B-01-42 Tip B (E) – Section BB’ Long Cross Cottage Phases 4A-5B (4 sections)
- 594B-01-43 Tip B (E) – Section BB’ Long Cross Cottage Phases 6A-6C (3 sections)
- 594B-01-44 Tip B – Section CC’ Long Cross Farm Phases 1A-2B (4 sections)
- 594B-01-45 Tip B – Section CC’ Long Cross Farm Phases 3A-4A (4 sections)
- 594B-01-46 Tip B – Section CC’ Long Cross Farm Phases 4B-5B (3 sections)
- 594B-01-47 Tip B – Section CC’ Long Cross Farm Phases 6A-6C (3 sections)
- 594B-01-48 Tip D – Phase 1A
- 594B-01-49 Tip D – Phase 1B
- 594B-01-50 Tip D – Phase 2A
- 594B-01-51 Tip D – Phase 2B
- 594B-01-52 Tip D – Phase 3A
- 594B-01-53 Tip D – Phase 3B
- 594B-01-54 Tip D – Phase 4A
- 594B-01-55 Tip D – Phase 4B
- 594B-01-56 Tip D – Phase 5
- 594B-01-57 Tip D – Section AA’ Long Cross Farm Phase 1A-3A (5 sections)
- 594B-01-58 Tip D – Section AA’ Long Cross Farm Phase 3B- 5 (4 sections)

- 594B-01-59 Tip D – Section AA’ Mill Marsh Farm Phase 1A-3A (5 sections)
- 594B-01-60 Tip D – Section AA’ Mill Marsh Farm Phase 3B-5 (4 sections)
- 594B-01-61 Tip A Sections through Attenuation Features
- 594B-01-62 Public Rights of Way Diversion Plan
- 594B-01-63 Proposed (Post Restoration) Public Rights of Way Plan
- 594B-01-64 Tip A Restoration Scheme
- 594B-01-65 Tip B Restoration Scheme
- 594B-01-66 Tip D Restoration Scheme

Reports

APPDX 5 Low Productivity Grassland Scheme
 APPDX 3 Dust Management Scheme v2
 APPDX 4 Woodland & Hedgerow Scheme
 APPDX 2 Soil & Grass Seeding Procedures
 APPDX 1 Tip A B and D stability assessment 160107 v03
 Dust Scheme ND/v2. 1 26/01/2016

and with any scheme, working programme or other details submitted to and approved in writing by the Mineral Planning Authority in pursuance of any condition attached to this permission.

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

3. Bat Impact Mitigation Strategy

Prior to the removal of any trees a Bat Impact Mitigation Strategy shall be submitted to and approved in writing by the Minerals Planning Authority. The Strategy shall be based on up to date survey information of potential roost sites.

Reason: This is a pre-commencement condition in the interests of the strict protection afforded European protected species.

4. Landscape and Ecological Management Plan (LEMP)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Minerals Planning Authority within 6 months from the date of the implementation of this planning permission. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over five-year periods).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (bodies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in full in accordance with the approved details, for the duration of the development hereby permitted.

Reason: In the interests of mitigating impact on visual amenity

5. Survey of Badger Setts

Within 6 months prior to the commencement of the development hereby permitted a survey of / for badger setts within the site area will be carried out by a suitably qualified ecologist. Thereafter, subject to the identification of badger setts in the Survey for Badger Setts, all measures for badgers / sett maintenance / actions shall be carried out in accordance with the details contained in paragraphs 6.6.10 to 6.6.19 of Chapter 6 of the Environmental Statement (AD Ecology Ltd, Ecological Impact Assessment version 2 dated 5th June 2017) as already submitted with the planning application and agreed in principle with the Minerals Planning Authority. As

the approved development is to proceed in a series of phases over 12 years from the commencement of tipping in either of Tips A or B and 12 years from the commencement of tipping in Tip D, further supplementary ecological surveys for badgers shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required as per paragraph 6.7.2 of Chapter 6.

Findings shall be submitted to and approved by the Minerals Planning Authority.

Reason: This is a pre-commencement condition in the interests of a protected species

6. Brown Hare and Hedgehog Survey

Prior to commencement of each phase of the development hereby permitted, surveys for Brown Hare and Hedgehog according to methods detailed in Mammal Society Guidance (Cresswell et al, 2012) shall be undertaken and a report of the findings, along with any impact mitigation required, shall be submitted to, and approved in writing by, the Minerals Planning Authority for approval. All such mitigation identified as required shall be fully implemented and maintained where necessary.

Reason: This is a pre-commencement condition in the interests of the conservation of priority species

7. Bird Nest Survey (of Trees / Hedgerows prior to removal)

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Minerals Planning Authority within 14 days from the completion of such Bird Nest surveys.

Reason: In the interest of nesting wild birds

8. Great Crested Newt: Tip D Vegetation Removal Methodology

Any vegetation including hedgerow, grasses and tall herbs within Tip Area D shall initially be reduced to a height of 10 centimetres above ground level by hand beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2 hectares per day. Brushings and cuttings should be removed and the cut area left for a minimum period of 48 hours of warm but humid or wet weather with temperatures of 10°C or above before further work to minimise the risk of harming/killing any amphibians that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken between April and October. The vegetation height

shall be maintained below 10cm thereafter in the tip area for the duration of the creation of the Tip.

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species

9. Great Crested Newt: Hedgerow Removal Methodology

Any hedgerow habitat (including ground flora) within Tip D must be cleared during temperatures of 10°C or above before clearing using an excavator. This will be undertaken only during April to October, inclusive.

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species

10. Great Crested Newt: Discovery

If newts are found during the careful clearance of the habitat or at any other time then all work shall cease and a suitably qualified ecologist shall be consulted, with recommencement of operations only after agreement in writing with such appointed qualified ecologist.

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species.

11. Hours of Operation

The overburden material from permitted quarrying operations at the Moons Hill Quarry Complex (as identified in this application) shall only be tipped / worked / profiled between the hours of:

08.00 to 18.00 Mondays to Fridays at Tip A;
07.00 to 19.00 Mondays to Friday at Tips B and D

There shall be no such working on Saturdays, Sundays or Public / Bank Holidays at Tip A, Tip B or Tip D.

Reason: In the interests of neighbouring amenity.

13. Water Conservation and Management

Prior to the commencement of tipping at Tip A, Tip B or Tip D hereby permitted, a written scheme for the corresponding Tip to be commenced shall be submitted to, and approved in writing by, the Minerals Planning Authority that makes provision for the maintenance and management of surface and groundwater flow and quality from Consented area as detailed in approved drawing number '594A-01-02 Rev A' (in the case of Tip A and Tip B, a single scheme covering both tips would be required, due to both tips draining into the same water course). There shall be no materially deleterious changes to the volumes of flow or to the visible or chemical water quality from the yet to be agreed baselines. The water flow and quality baselines will need

to be established through monthly monitoring at the surface and groundwater discharge points as reported in the Environmental Statement Chapter 8, for a minimum of 12 months and or until a baseline can be agreed with the Environmental Agency. The scheme shall comprise:

- a) A Baseline flow and quality Monitoring Plan including monitoring locations and frequency, Monitoring methods, analytical parameters, sampling and testing protocols and methods and limits of detection;
- b) A minimum 12 month baseline monitoring period, unless otherwise agreed with the EA and particulars of the assessment and reporting that will be undertaken on completion;
- c) Full particulars of a surface water (and if necessary groundwater) drainage scheme and provision for its review and amendment (as necessary) on completion of the baseline monitoring and at other key stages of the works;
- d) Full particulars of a surface water (and if necessary groundwater) management scheme and provision for its review and amendment (as necessary) on completion of the baseline monitoring and at other key stages of the works;
- e) Protocols for review of the Baseline Monitoring Plan and the submission of a long term monitoring plan including where appropriate flow and quality trigger and control action values (compliance limits), details of contingency action that will be undertaken in respect of non-compliance, periodic reviews and reports for submission to Environment Agency and MPA;
- f) Long term monitoring required under the scheme shall be maintained strictly in accordance the approved details.

Reason: In the interests of maintaining surface and groundwater flow and water quality and for the protection of sensitive environmental sites downgradient of the site.

14. Land Stability

Prior to the commencement of tipping of overburden at Tip A and Tip B (Tip B West and Tip B East), full details of the underdrainage system and water management system for Tip A and Tip B (Tip B West and Tip B East) shall be submitted to, and approved in writing by, the Mineral Planning Authority. Once approved the development shall be carried out in accordance with those details for the duration of the development hereby permitted.

Reason: In the interests of minimising risk, risk management and land stability in accordance with Planning Practice Guidance.

15. Environmental Management and Amenity

Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) / Construction Method Statement (CMS) for Tip A and Tip B shall be submitted to, and approved in writing by, the Mineral Planning Authority. The submitted CEMP shall cover the whole of the permitted development area for Tips A and B subject of this consent as shown on Drawing No

'594A-01-02 Rev A' and the content of CEMP / CMS shall include the details as to the following:

- Employer's Environmental Policies, training awareness and competencies, environmental objectives and targets, communications, records and management review, incident reporting;
- Pollution control measures especially storage and use of fuels and lubricants, vehicle refuelling and maintenance and any process chemicals used;
- Procedures for dealing with spillages on land and into water bodies;
- Noise control and monitoring measures;
- Confirmation that the CEMP / CMS shall be implemented for the duration of the development hereby permitted.

Reason: In the interests of protecting the environment and maintaining the amenity of nearby residents and land users.

16. Landscaping

Within 6 months from the date of the implementation of this permission details of all soft landscape works shall be submitted to, and approved in writing by, the Mineral Planning Authority.

The details to be provided shall include a programme for implementation during the phasing of the construction works and long-term management through the life of the tips and following the completion of tip activities.

Reason: In the interests of protecting the environment and maintaining the amenity of nearby residents and land users.

17. Soil Stripping

All subsoil and topsoil stripped from Tip A, Tip B and Tip D shall be managed and maintained for the duration of works, in accordance with the scheme detailed in Appendix 2 of the ES as submitted with this planning application.

Reason: In the interests of protecting the environment and maintaining suitable volumes of material for restoration and on site use.

18. Post Quarrying Land Stability

Subject to the planning permission having been implemented, in all circumstances where the Quarry Regulations 1999, subsequent versions, or similar replacement legislation does not apply, Geotechnical Stability Assessments shall be undertaken to assess and establish land / slope stability (within 6 months of the date of the date of implementation of this decision or within 6 months of the date of identification that the Quarry Regulations do not apply to any part of the permitted development site), and thereafter at intervals not exceeding 2 years. The reports on initial geotechnical stability assessments shall be submitted to the Mineral Planning Authority (MPA) for written approval.

For the avoidance of doubt such “circumstances” shall include any spatial areas or zones of the permitted development subject of this consent that may be outside the operational quarry area defined for the purposes of the Quarry Regulations, and any areas or zones of the permitted development that fall outside the Quarry Regulations by virtue of completion of restoration, landscaping or abandonment.

The scope and content of the Geotechnical Stability Assessments required under this Condition shall be as set out and defined in the Quarry Regulations 1999 and its Schedules, subsequent versions or similar replacement legislation, and HSE Document L118 (second edition) 2013, Quarry Regulations 1999 Approved Code of Practice.

The Geotechnical Stability Assessments so defined shall include all soil or rock slopes within the permitted development site boundary, whether temporary faces, slopes under restoration, restored final slopes, or temporary stockpile or spoil heap slopes, and whether inward or outward facing.

A full stability review of the preceding geotechnical stability assessments and any other pertinent information shall be undertaken by a geotechnical specialist and submitted to the MPA every 6 years from the date of the report on the initial stability assessment. The review shall summarise the outcome of the geotechnical assessments, comment on any instability observed, and review whether any changes to final restored slope design and restoration proposals are needed with a commitment to undertaking them and a timescale for doing so. The final stability review shall be undertaken and submitted to the Minerals Planning Authority 6 months before the end of the aftercare period.

Reason: To ensure long term post quarrying stability of slopes in the public interest.

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:
 - Mendip Local Plan, adopted in December 2014; and
 - Somerset Minerals Plan, adopted in February 2015.

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

Mendip Local Plan

Policy DP1 (Local Identity and Distinctiveness):

The development would minimise and mitigate negative effects (such as dust, land stability) that could be experienced, to acceptable levels.

Policy DP3 (Heritage Conservation):

The development would have minimal effect or harm on the setting of identified heritage assets and would leave unidentified heritage assets in situ so ensuring they remain preserved.

Policy DP4 (Mendip's Landscapes):

The development would be progressively restored and landscaped and would have a limited long term effect on the wider landscape of the area.

Policy DP5 (Biodiversity and Ecological Networks):

Subject to adherence to the detailed planning conditions the development would not have a long term effect on the sites' biodiversity.

Policy DP7 (Design and Amenity of New Development):

The development would be acceptable in terms of amenity on surrounding users, subject to adherence to the proposed planning conditions.

Policy DP8 (Environmental Protection):

The development would manage material on site, and would not result in unacceptable levels of pollution on or off site (in terms of dust; light; land stability or water quality).

Policy DP9 (Transport Impact of New Development):

The development would process material generated from Moons Hill Quarry, and have sufficient capacity to manage over burden from permitted reserves and would not directly result in any increase in traffic movements to and from the site or on the wider highway network, and would actually prevent potentially significant traffic movements on the highway removing the overburden off-site to be used / recycled elsewhere.

Policy DP23 (Managing Flood Risk):

The development as conditioned, would include appropriate mitigation to manage surface water flows, and subject to planning conditions proposed, would also manage subterranean water flows.

Somerset Minerals Plan

Policy DM1 (Landscape and visual amenity):

The development would be acceptable in terms of the wider landscape effect and visual amenity, subject to the progressive restoration being undertaken and proposed levels of hedgerow replanting / trans locating.

Policy DM2 (Biodiversity and geodiversity):

Subject to adherence to the detailed planning conditions the development would not have a long term effect on the sites' biodiversity.

Policy DM3 (Historic Environment):

The development would have acceptable effects / benign levels of harm on the setting of identified heritage assets and would leave unidentified heritage assets in situ.

Policy DM4 (Water Resources and Flood Risk):

The development as conditioned would include appropriate mitigation to manage surface water flows, and subject to planning conditions proposed, would also manage adequately subterranean water flows. The development would manage material on site, and would not result in unacceptable levels of pollution on or off site (in terms of water quality).

Policy DM6 (Public Rights of Way):

The proposed development as conditioned would seek suitable diversion / alternative PRow provision.

Policy DM7 (Restoration and Aftercare):

The proposed tips would be restored and returned to productive agricultural use, as well as replanted with hedgerows.

Policy DM8 (Mineral operations and the protection of local amenity):

The development would be acceptable in terms of amenity on surrounding users, subject to adherence to the proposed planning conditions.

Policy DM9 (Minerals transportation):

The development would process material generated from Moons Hill Quarry, and have sufficient capacity to manage over burden from permitted reserves and would not directly result in any increase in traffic movements to and from the site or on the wider highway network.

Policy DM10 (Land Stability):

The development would manage material on site, and subject to the implementation of land stability management measures as conditioned, would not result in land stability problems.

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

4. Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.

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

Appendix A:

SCC Ecology – Comments in full (No objection)

It is proposed to develop replacement tips on three parcels of land (Area A, Area B and Area D) located to the south and west of the existing Moons Hill Quarry. The application site area totals 43.31 hectares [ha] (Tip A: 13.95ha; Tip B: 10.77ha; & Tip D: 18.59ha). The three sites will be used to raise the land by a maximum of approximately 20 metres through the disposal of mineral waste over approximately 11 years, with Tips A and B servicing Stoke Quarry, and Tip D servicing Moon's Hill Quarry. Post-development the tips will be restored to a mix of agricultural and nature conservation land. The proposed tips will cover ten agricultural (pasture) fields in part or in their entirety, as well as some existing quarry, amenity grassland and boundary habitat includes hedgerow and plantation/tree-lines.

The submitted version 2 of the ecological impact assessment was produced by AD Ecology Ltd to address Regulation 22 requirements. Surveys to inform the assessment took place over the period 2014 to 2016.

Designated Sites:

There is one nationally designated nature conservation site located 800-1,400 metres from the northern boundary of Area A. This is the St Dunstan's Well Site of Special Scientific interest (SSSI) which is also a component site of the Mells Valley Special Area of Conservation (SAC). This site is of species-rich unimproved calcareous grassland, while greater horseshoe, lesser horseshoe and Natterer's bats hibernate in the cave system. The proposed quarry tips will be above ground and contained within the study areas, and site working practices/design will ensure local environmental/abiotic conditions (i.e. water quantity/quality, air quality etc.) both during- and post construction will not be significantly altered. It is considered the site would be unaffected by the proposed development.

The application site is also potentially within range of the Greater Horseshoe bat feature of the Mells Valley SAC. As advised by Natural England I will need to carry out a 'test of likely significant' (TOLSE) as the competent authority under the Habitats Regulations 2010 for potential effects on the SAC features. Bat-transect surveys were carried out in June, July and September 2014 recorded five species of bat foraging or commuting on-site. I note that Greater Horseshoe bats were not recorded during the transect surveys but would not regard this as proof of absence. These surveys (which may be considered out of date) did not make use of automated detectors. In comparison with transect surveys automated detectors are more efficient in picking up horseshoe bats. In addition Greater Horseshoe bats also use different foraging patches through the active period to exploit seasonally available prey species. Given that we cannot be sure of the extent to which the site is exploited by Greater Horseshoe bats I would have to assume that they are present and both commuting and hunting on site. A calculation for habitat replacement for Greater Horseshoe bats is included using the methodology from a draft version of the North Somerset and Mendip Bats SAC, which would equally apply to the Mells Valley SAC feature (which is included in similar guidance for the Mendip District bat

SACs currently being reviewed by Natural England) which showed that the final restoration scheme would result in an enhancement for the species.

However, I would need to redo the calculation based on the published guidance which takes into account whether bats are absent or present in surveys and whether they are just commuting or then both commuting and feeding. However, I do not predict there to be a net loss in habitat value although there will be a reduction in the value of the enhancement. However, one issue is whether the restoration scheme is purely restoration or then phased which would move it towards being mitigation. AD Ecology state in paragraph that the restoration of hedgerows and calcareous grassland will be phased in during the period of tipping in paragraph 6.6.35 of their report but this is not shown on the submitted Phasing drawings. I need to have this clarified by the applicant in order to carry out the TOLSE.

Habitats:

There are four grassland fields within Area A, the remainder of the site comprising active quarry.

These are predominantly species-poor improved pasture supporting common and widespread grasses and forbs of restricted diversity, with very small areas of wetter poor semi-improved grassland along the eastern boundary. There are two fields within Area B. These are predominantly species-poor improved/poor semi-improved pasture supporting common and widespread grasses and forbs of restricted diversity. However, there is a small area of moderate-good semi-improved grassland associated with the south-east corner of Field B2, which is wetter. This area is heavily poached by cattle and has been grazed extensively. The field is subject to fertilisation with manure.

Within the southern part of Field B2 there is a small copse and the northern half of Field B2 is dominated by tall ruderal vegetation. There are four fields within Area D, with the remainder of the site comprising active quarry. These are predominantly species-poor improved/poor semi-improved pasture supporting common and widespread grasses and forbs of restricted diversity, with smaller areas of moderate semi-improved grassland associated with the northern boundary of Field D1.

All hedgerows in Area A are species-rich, in accordance with UKBAP guidance, and five are 'important', under the Hedgerow Regulations 1997. In Area B four hedgerows are species-rich, one is important and one is species-poor. In Area D six hedgerows are species-rich, three are important and two are species-poor. Across the whole study area there are 5640m of hedgerow (2690m in Area A, 1430m in Area B and 1520m in Area D) with 4130m of species-rich/important hedgerow, 910m of species-rich hedgerow and 600m of species-poor hedgerow. Along the north-west boundary of Area B is a linear plantation and at the western end of Area D along the southern boundary is another small plantation. No trees within or bordering the proposed tip areas can be classed as ancient/veteran, however there are four trees that are described as being relatively old.

Nine hedgerows on the application site will be removed as a result of the tipping, which includes 1065m in Area A and 835m in Area D. The nine affected hedgerows

total 1900m (34% of the total hedgerow within the study area) and include 1580m (31%) of species-rich hedge. The removal of hedgerows will be phased as the scheme progresses. AD Ecology conclude that 'This immediate impact cannot be totally removed through mitigation, but an appropriate programme of hedgerow and hedge ground flora translocation at the project outset, combined with post-scheme planting of replacement hedgerows will adequately off-set this impact in the long-term.'

Dust may affect the remaining hedgerows, suppressing both flora and invertebrate fauna (and the species that depend on them, e.g. bats) including those on the boundaries of the application site and beyond. The applicant has submitted a Dust Control scheme was originally produced and approved for Condition 14 of Planning Permission Ref: 2011/1264 dated 7th November 2011. This condition should also be applied to this application.

There is one small, permanent agricultural pond located to the immediate south of Area A. All other small agricultural ponds within or immediately adjacent to the three study areas were found to be ephemeral and completely dry in April-May 2015. The proposed quarry tips will retain ponds located adjacent to Area A and Area D, which will be protected with an appropriate buffer zone up to 100m wide. Holland's Copse Pond is located ca. 100m north-east of Area D, and abuts the existing quarry.

It is intended that the post-scheme land restoration will create additional areas of open water providing benefits in the long-term.

AD Ecology describes the proposed restoration of habitats (comprising woodland; calcareous grassland; rough grassland managed for hay; and ponds) in paragraphs 6.6.38 to 6.6.43 of the ecological impact assessment report. These and their management will be secured through a Landscape and Ecological Management Plan (LEMP) [see the section on bats below] Somerset Strategic Ecological Network Within Somerset's mapped Ecological Networks the grassland, especially those in Areas B and D are identified as important 'stepping stones' and connecting 'matrix habitat' in the local landscape.

However looking at the GIS layers it look like they are isolated core areas surrounded by matrix habitat. No further mention is made of the effects of the proposed development on the ecological network is considered in the ecological impact assessment.

There is likely to be loss of grassland core area and matrix habitat for a number of years although some may be restored during the phasing of the tipping operation in that period. However, from the description given of grassland habitat above it would appear that the fields are not priority habitat.

Somerset Wildlife Trust has done extensive habitat surveys in the Mendips. However, the classification may derive from an interpretive aerial photographic habitat survey of Mendip District was carried out in 2010 by Somerset Environmental Records Centre. From whichever source the GIS layer they appear to have been classified as 'Somerset lowland meadow with calcareous indicators' in Area B and part of A, and 'Lowland Meadow' priority habitat in Area D. Nonetheless the status of

these habitats needs to be determined in order that ecological network can be confirmed or not.

Bats (other than Greater Horseshoe)

Across the site there are ten trees classed as having 'good potential' for roosting bats. Five of the trees are in boundary hedgerow that will be retained, and therefore have not been subject to emergence surveys. The other five trees in Areas A and B were subject to dusk bat emergence survey during June and July 2014 and were found not to support roosting bats. However, I would now consider these surveys to be out-of-date and that the trees need to be re-surveyed prior to any works commencing. Even if the trees are retained roosting bats can be disturbed by works in proximity to the roost (up to 200m away with regard to highway construction works). All species of bats and their resting places are afforded strict protection under the Habitats Regulations 2010 and individuals from reckless and intentional disturbance under the Wildlife and Countryside Act (WCA) 1981 (as amended). I would therefore recommend that the following is conditioned given that there is likely to be scope for mitigating measures:

- Prior to the commencement of any works a Bat Mitigation Strategy shall be submitted to and approved in writing by the County Planning Authority. The Strategy shall be based on up to date survey information of potential roost sites.*

Reason: This is a pre-commencement condition in the interests of the strict protection afforded European protected species.

I am aware of recent legislation which requires the applicant to agree to pre-commencement condition. However, without it in place I cannot be confident that no harm would come to roosting bats. The Habitats Regulations requires a system of "strict protection" for European protected species including through the planning system effectively preventing harm occurring to such protected wild animals.

Bat-transect surveys were carried out in June, July and September 2014 recorded five species of bat foraging or commuting on-site. Bat species recorded in 2014 included Common Pipistrelle bats were observed foraging along the hedgerows in low numbers in all three proposed tip areas with incidental records of foraging along hedgerows connecting Areas A and B; Soprano Pipistrelle rarely recorded; Natterer's were recorded near hedgerows where numerous mature trees present foraging opportunities; the high flying Noctule were recorded infrequently commuting over all three areas; and a single recording of a Lesser Horseshoe bat along hedgerow in the north west corner of Area B.

Brown Long-eared bats were also recorded according to the figures in the Appendices.

As the 'competent authority' under the Habitats Regulations we are obliged to assess the Favourable Conservation Status (FCS) of populations of European protected species affected by development as one of 'three tests'. [The other two are consideration of alternatives and over-riding public interest.

In my consideration it is likely that other possible sites will probably (but not certainly) support a similar suite of bat species, Also see Country Contracts' surveys carried out in 2007 and 2008 for Pl. App. 2011/1264) and understand that the type of mineral quarried is unique to Moons Hill in the Mendips] An amount of habitat available would be lost due to the proposed development and would particularly affect Common Pipistrelle bats, which recorded using hedgerows on all three sites. This may cause some displacement in seeking other resources and cause interspecific and intraspecific competition for prey resources outside the proposed development site. However, ED Ecology consider that 'Low numbers of four common species of bat forage and/or commute along boundary hedgerow/ plantation habitat within the study areas, while another one species of bat was recorded commuting over the study areas. Just over one third of the hedgerows bordering or within the proposed tip areas will be removed. However, for Areas A and D some hedgerow boundary habitat will be retained and protected, while all boundary habitat in Area B will be retained and protected.

This will retain foraging and commuting habitat that maintains links to habitat outside and surrounding each tip area. Existing environmental conditions along these retained hedgerows, for example light-levels, will also remain largely unaffected during the construction phase (i.e. normal working hours)'. Nonetheless, over 90% of prey caught by bats along hedgerows originates in the adjacent habitat (Bat Conservation Trust, 2003). Common pipistrelle bats were observed by AD Ecology 'foraging along the hedgerows in low numbers in all three tip areas (and connecting hedgerows). Most encounters were with single bats, but up to 3 bats were observed in sheltered field corners'. It is not clear whether 'foraging' actually means commuting or whether individual 'beats' were identified – more detailed mapping or data would have been useful. The main prey of Common Pipistrelle during mid-summer are small flies, gnats and yellow dung flies, the latter present where cattle are grazed but less abundant where avermectins are used. Fields in Area B are noted to be used as pasture. The field habitats are to be progressively lost on all fields, in phases over the 11 years period with the habitat restoration following on from completion. Parts of the fields and some hedgerow will remain.

Common Pipistrelle often use regular flight paths and 'beats', or small hunting patches, a number of which would be established within an individual's home range of up to 50ha. (Jones & Racey, 2008; Boye & Dietz, 2005). These are likely to be disrupted due to a fall in prey abundance over the years. As some field habitat will remain it is likely that this will become unmanaged allowing long grasses and herbaceous flora to develop and benefit invertebrates that are preyed upon by bats. In addition AD Ecology state in paragraph that the restoration of hedgerows and calcareous grassland will be phased in during the period of tipping in paragraph 6.6.35 of their report (although this is not shown on the submitted Phasing drawings). Therefore on balance and providing that there is a phased restoration scheme (if the applicant can confirm that this is the case) it is likely that FCS will be maintained for all bat species with some enhancement following restoration dependent on the future management of such habitats. I am aware that an Ecological Management Plan was approved by Condition 47 of Planning Permission Ref: M25/1/76; a Woodland Management Plan approved by Condition 44 of Planning Permission Ref: M25/1/76; and a Hedgerow Management Plan approved by Condition 44 of Planning

Permission Ref: M25/1/76 (details of which are not on the County's planning website although Condition 44 is stated Condition 47 is not).

However, I consider that these should be brought together in an integrated plan for this application site which identifies the phased restoration scheme stated by AD Ecology and includes management of remaining habitats during the tipping period (see also great crested newt comments below). I would recommend that the following be conditioned:

- A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the County planning authority prior to the commencement of the development [or specified phase of development]. The content of the LEMP shall include the following.*

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over five-year periods).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) On-going monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

As I am uncertain, given the limited number of activity surveys and no use of automated detectors, of Lesser Horseshoe bat presence beyond the one recorded the proposed use of bat boxes (paragraph 6.6.64 of the AD Ecology report) would potentially favour Common Pipistrelle, which use boxes and hunt the same prey species. The proposed use of bat boxes would be included in the LEMP or not depending on updated bat activity surveys.

Hazel Dormice

A survey carried out between June and November 2014 (County Contracts) found no evidence of dormouse presence. Furthermore, Somerset Environmental Records Centre (SERC) holds no records of dormice within 2km of the study area. I am satisfied that no further measures need to be taken for this species.

Badgers

A badger survey was conducted in 2013 (County Contracts), which recorded a large established sett in an earth bund around the existing quarry site and adjacent to the

eastern boundary of Area A. This was found to be active in June 2016. A disused small (probably outlier) sett was found in the western boundary of Area B.

An artificial sett has been constructed beyond the north-western corner of Area B, but there was no evidence of badger occupation. No other badger setts were found during site visits between 2014 and 2016, although signs of badger foraging are present across the entire study area. As badgers are dynamic and new setts can be formed in a short space of time I would recommend that pre-commencement survey be undertaken. This needs to be conditioned:

- Immediately prior to works commencing a survey of badger setts will be carried out by a suitably qualified ecologist. Thereafter all measures for badgers shall be carried out in accordance with the details contained in paragraphs 6.6.10 to 6.6.19 of Chapter 6 of the Environmental Statement (AD Ecology Ltd, Ecological Impact Assessment version 2 dated 5th June 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. As the approved development is to proceed in a series of phases over 11 years, further supplementary ecological surveys for badgers shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required as per paragraph 6.7.2 of Chapter 6.

Findings shall be submitted to and approved by the County planning authority.

Reason: This is a pre-commencement condition in the interests of a protected species

Other Mammals

AD Ecology considered that there was potential for Brown Hares and / or Hedgehog to present on the site. Both these species are listed on s41 of the Natural Environment and Rural Communities (NERC) Act 2006 by which the local authority must have regard for their conservation in carrying out its duties including its role as a planning body.

If present the proposed tips are likely to result in the temporary loss of habitat for Brown Hare for a period of at least eleven years. It is considered that Brown Hare are likely to disperse with the arrival of machinery and/or operatives except there may be a risk to mothers with dependent leverets which are likely to stay put (Wheeler et al, 2012). Lacking survey evidence I would use the same measures as for great crested newts below could be extended to all fields to discourage the use of habitats on site for breeding unless surveys are undertaken to prove presence / absence. Similarly hedgehogs will need to be considered across all hedgerows on the application site unless presence /absence surveys are undertaken. However, I would recommend that pre commencement surveys are undertaken:

- Prior to commencement surveys for Brown Hare and Hedgehog according to methods detailed in Mammal Society Guidance (Cresswell et al, 2012) will be undertaken and a report of the findings, along with any mitigation required, be submitted to the County planning authority for approval.

Reason: This is a pre-commencement condition in the interests of the conservation of priority species

Birds

Birds observed across the whole study area (Areas A, B and D) during the breeding bird surveys in April and June 2015 and during subsequent visits included twenty-eight species, most of which are common lowland farmland or hedgerow/woodland species. Twenty one species were observed to be breeding including Song Thrush which is listed on s41 of the NERC act. All wild birds and their nests and eggs are protected whilst breeding under the WCA, I would therefore recommend that the following be conditioned:

- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the County planning authority.*

Reason: In the interest of nesting wild birds

Reptiles

The reptile survey, which set and checked 40 refugia tiles on seven occasions, as well as looking for basking reptiles or reptiles moving off during the survey visits and other Phase 2 survey visits, found no evidence of reptiles. It is therefore concluded that reptiles are absent for the study area.

Great Crested Newts and other Amphibians

The nearest records of Great Crested Newt (GCN) are approximately 2km north and 1.5km south of the study area. Surveys carried out in 2015 found no evidence of GCN was found in the pond, and as such this species is not present within the study area or local landscape of Tip A. AD Ecology considered that 'The majority of the proposed Tip Area A provides limited habitat for amphibians in their terrestrial phase being intensively managed pasture that provides no refugia and restricted foraging opportunity. The key terrestrial habitat is the boundary hedgerows'.

The majority of the proposed Tip Area D was considered to have limited habitat for amphibians in their terrestrial phase being intensively managed pasture and open/leggy hedgerows that provides no/very limited refugia and restricted foraging opportunity.

GCN surveys of the Holland's Copse pond, located ca. 100m north-east of Area D, and abutting the existing quarry, were conducted over four visits in April 2016 to determine presence/absence of GCN. A maximum of 10 great crested newts (7 male and 3 female) were found in the pond. This indicates that there is a small population present of up to 200 individuals.

AD Ecology states that 'English Nature research (Cresswell and Whitworth, 2004) notes that 'although a maximum routine migratory range has been determined as approximately 250m from a breeding pond, Jehle (2000) determined 'a terrestrial zone of 63m, within which 95% of summer refuges were located'.

Furthermore, Jehle and Arntzen (2000) recorded 64% of newts within 20m of the breeding pond edge. The Holland's Copse pond will remain unaffected by the proposals and will be protected by a buffer zone'. These distances of course depend on the quality of suitable habitat around the pond but in this case, examining aerial photographs, would tend to agree with the distances from this research. Nonetheless, there is a low potential for GCN to occupy the grassland/hedgerow habitat within Area D with a subsequent low risk that individuals or very low numbers of GCN will be adversely affected. To ensure the protection of individual GCN (as well as smooth and palmate newts) that may be migrating and/or foraging within the proposed Tip Area D, mitigation actions are described by AD Ecology although I disagree with them on points of detail regarding the use of chemicals and hedgerow clearance timing. GCN are likely to be hibernating in nooks and crannies at the base of hedgerows in the stated times. However, I concur that these measures can be carried out through non-licensed reasonable avoidance measures which should be conditioned as follows:

- Any vegetation including grasses and tall herbs within Tip Area D should initially be reduced to a height of 10 centimetres above ground level by hand beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2 hectares per day. Brushings and cuttings should be removed and the cut area left for a minimum period of 48 hours of warm but humid or wet weather with temperatures of 10°C or above before further work to minimise the risk of harming/killing any amphibians that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken between April and October. The vegetation height will be maintained below 10cm thereafter in the tip area for the duration of the operation.*

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species

- Any hedgerow habitat (including ground flora) that needs to be removed will first be carefully cut to a height of 10 centimetres above ground level using hand held equipment under the supervision of an appropriately licensed ecologist, brushings and cuttings removed and left for a minimum period of 48 hours of warm but humid or wet weather with temperatures of 10°C or above before clearing using an excavator. This will be undertaken only during April to October, inclusive.*

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species

- If newts are found during the careful clearance of the habitat or at any other time then all work will cease and a suitably qualified ecologist will be consulted.*

Reason: in the interests of the Favourable Conservation Status of the population of a European protected species

AD Ecology state that 'Furthermore, phased removal/planting of hedgerows and phased removal/creation of species-rich limestone grasslands when combined with surrounding farmland of a similar nature (particularly to the east and west of Tip D) and management of areas adjacent to Tip A, Tip B and Tip D via existing ecological management plans secured by planning will maintain connectivity throughout the tipping operations for great crested newts and other amphibians present within and adjacent to the sites. This will allow amphibians to continue to commute to and from breeding ponds whilst providing optimal foraging habitat for newts in their terrestrial phase.

Consideration has also been given to creating hibernacula. These measures would be covered by the LEMP that I have recommended for a condition of the permission as above.

- Dust will be managed in accordance with the Dust Control Scheme dated 7th November 2011 approved for Condition 14 of Planning Permission Ref: 2011/1264.*

Reason: in the interests of wider amenity

To summarise clarifications:

Phased restoration is stated by AD Ecology in the Ecology Chapter of the ES, but is not shown on the

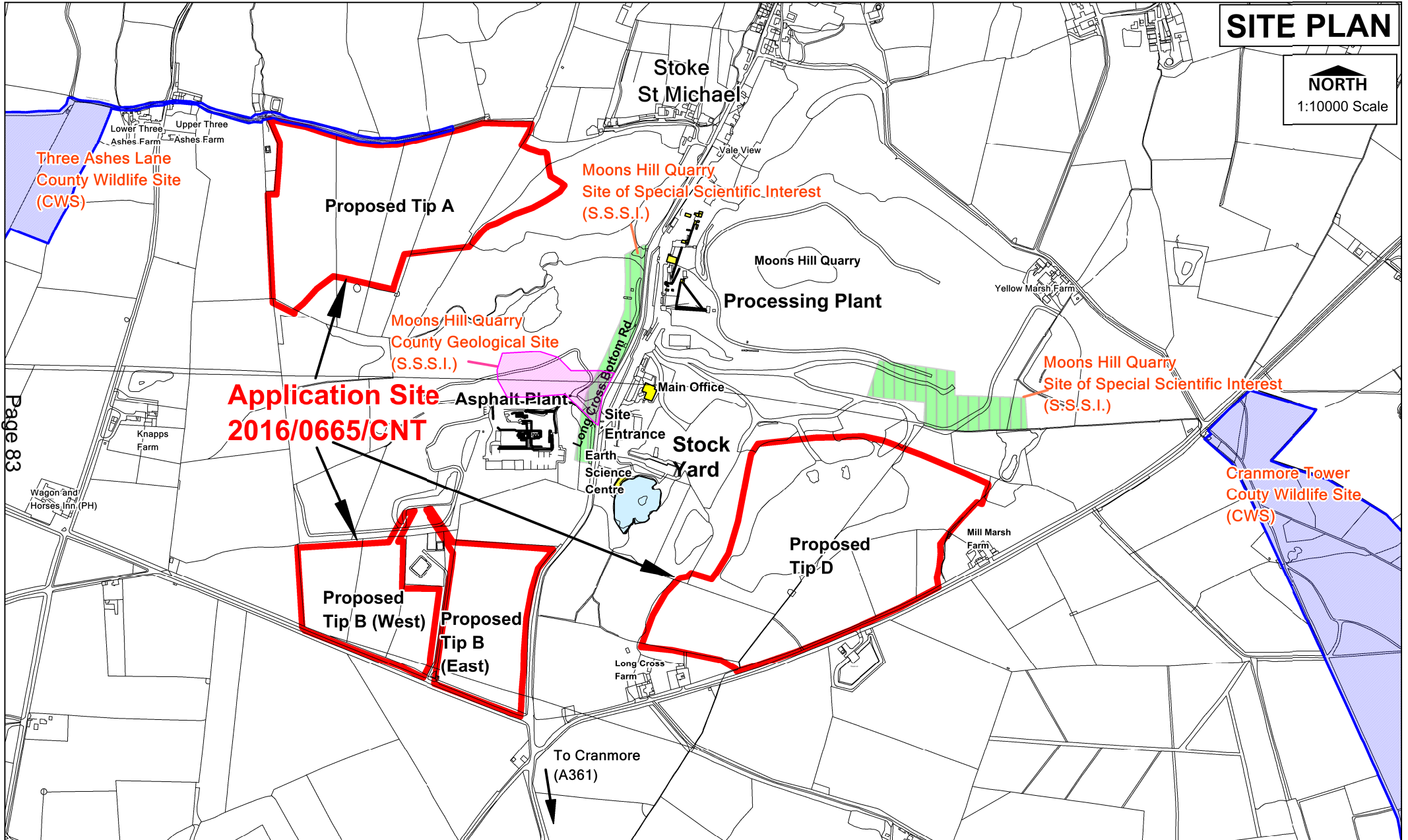
Phasing Drawings – which is correct? Once this information is obtained I shall be able to carry out the TOLSE.

The presence of core habitats of the grassland ecological network within the application site - I am checking with Somerset Wildlife Trust the evidence they have for the presence of priority habitat.

Clarification was provided to SCC Ecology and the TOLSE was completed and issued to NE for their comment / opinion.

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SITE PLAN



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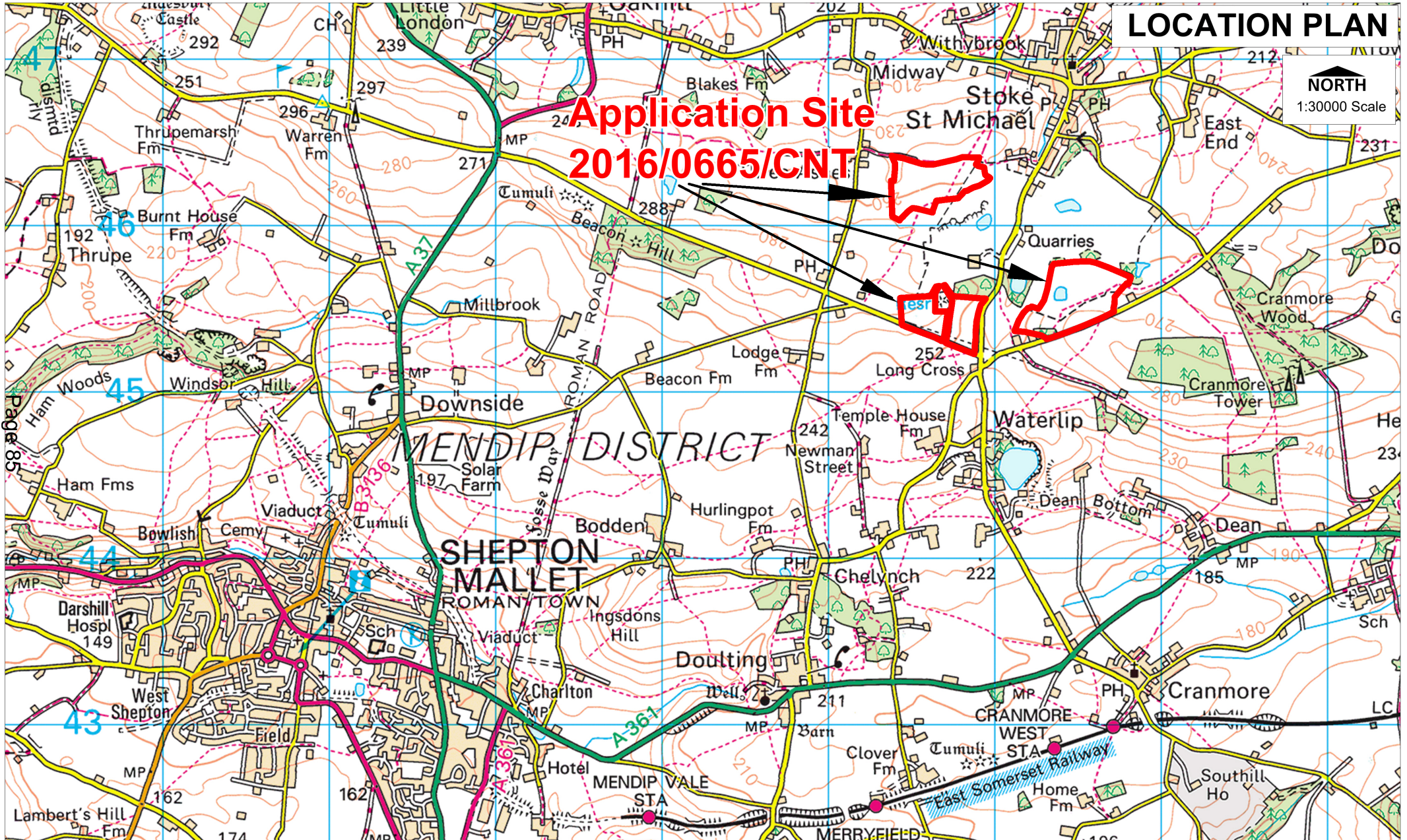
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 County Hall
 TAUNTON TA1 4DY

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Dated: 29 March 2018

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LOCATION PLAN

NORTH
1:30000 Scale

**Application Site
2016/0665/CNT**

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Dated: 29 March 2018

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Somerset County Council
Regulation Committee – 12th April 2018
Report by Service Manager – Planning Control Enforcement & Compliance: Philip Higginbottom

<i>Application Number:</i>	1/17/16/083
<i>Date Registered:</i>	04/10/2016
<i>Parishes:</i>	Cheddar and Shipham
<i>District:</i>	Sedgemoor
<i>Member Division:</i>	Cheddar and Shipham Ward
<i>Local Member:</i>	Nigel Taylor
<i>Case Officer:</i>	Ben Gilpin
<i>Contact Details:</i>	01823 359738 bgilpin@somerset.gov.uk
<i>Description of Application:</i>	Northern lateral extension to the existing quarry, consolidation and regularisation of existing operations and associated ancillary development
<i>Grid Reference:</i>	E: 344076 N: 156020
<i>Applicant:</i>	Aggregate Industries UK Limited
<i>Location:</i>	Callow Rock Quarry, Shipham Gorge, Cheddar, Somerset, BS27 3DQ

1. Summary of Key Issues and Recommendation(s)

1.1 The key issues for Members to consider are:

- The Principle of Development;
- The Need for the mineral/extension;
- Impact on Highways;
- Impact upon amenity (residential and users of the Area of Outstanding Natural Beauty (AONB)) – noise / dust / light pollution;
- Visual & Landscape Character Impact;
- Ecology (including possible effects on SSSI and SAC)
- Water Management (subterranean / surface water)
- Archaeology / Heritage Assets
- Loss of Agricultural Land
- Impact on of Public Rights of Way (PRoW)
- Other Matters (impacts from blasting / impact on property values from the development)
- Planning Balance (consideration of the benefits and detrimental aspects of the development) / Section 106 Agreement

It is recommended that planning permission be GRANTED subject to:

- a) the imposition of the conditions in section 10 of this report; and,**
- b) the signing of a Section 106 Legal Agreement to include the following:**

- **The securing and delivery of compensatory land for the Grassland Ecological Network (GEN) to provide alternative GEN land for that which would be lost as a result of this development;**
- **To ensure the adjacent reserves identified as / written agreement that no extraction of mineral reserves are to take place at Shipham Hill Quarry to the east of Callow Rock Quarry for the duration of extraction at Callow Rock Quarry),**

And that authority to undertake any minor non-material editing, which may be necessary to the wording of those planning conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

2. Description of the Site

- 2.1 The planning application site area comprises 3 separate fields to the north of the northern boundary of the existing consented Limestone Aggregate quarry, and the mineral reserve beneath, and the existing quarry area to the south of the Northern Extension area. The area of new extraction in the wider site is referred to as the 'Northern Extension' in this report.
- 2.2 The nearest residential properties (built form) to the proposed site not in the control of the applicant are, to the north: Drove Farm (circa 230 metres from the Northern Extension boundary); to the east: Lilypool Farm (circa 320 metres from the Northern Extension boundary); to the south: St Michaels Cheshire Home (circa 1.35km from the Northern Extension boundary); and to the west: Cherry Tree Farm (circa 980 metres from the Northern Extension boundary).
- 2.3 The site is in the Mendip Hills Area of Outstanding Natural Beauty (AONB). The site is identified as being in the Grassland Ecological Network (GEN) area (in the Somerset Mineral Plan) – part of the Callow Drove Fields Local Wildlife Site (LWS – reference ST45/025). The nearest heritage asset (Cherry Tree Farm – Grade II Listed Building) is circa 980 metres to the west of the Northern Extension boundary. To the immediate south of the existing site is Cheddar Wood SSSI, with the Mendip Woodlands SAC being circa 150 metres south of the existing site boundary.
- 2.4 Across the southern boundary of the Northern Extension runs the 'AX13/7' Public Right of Way (PRoW), which is detailed as a 'Footpath'. This PRoW would be directly affected and it is proposed to be diverted. The Open Access Land (OAL) to the north and east of the Northern Extension (identified on the 'Explore Somerset' Definitive Map as 'Area 212') will be unaffected.
- 2.5 The site is within the Crushed Rock Safeguarded Area as defined in the Somerset Minerals Local Plan (2015).

The Somerset Minerals Plan states in Objective 'A' that:

Objective A

To ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular:

- *the county's nationally important role in crushed rock supply*

- 2.6 There has been an operational quarry at this site since 1961 (albeit smaller at that time). The main product quarried is crushed rock, identified in the Somerset Minerals Plan as a product that supports and contributes to the nationally important crushed rock supply.
- 2.7 The Callow Rock Quarry complex consists of one large quarry site and concrete block manufacturing plant, and the Northern Extension area is located approximately 1.2 km south of the centre of Shipham and 3.1 km northwest of Cheddar. The site is accessed from Shipham Road to the east (an existing access point).
- 2.8 The quarry complex is located immediately to the north of a gently sloping ridge which runs east-west. It lies within a rural area used predominantly for agricultural grazing and quarrying.
- 2.9 The planning application site area (extension) is 12 hectares and the proposed maximum depth of working is 110 metres. The total site area is 55 hectares (this includes the 12 hectare Northern Extension). It is detailed that the overall site will deliver 30 million tonnes of saleable mineral (limestone).

3. Site History

- 3.1 The relevant planning history of the site is as follows:
- 1/17/15/052: Application under Section 96 of the Environment Act 1995 for the First Periodic Review of Permissions IDO/S/10/B dated: 24 November 1994 and 1/17/18/048 dated: 26 July 2013 – awaiting decision;
 - 1/17/13/048: Small scale 1.5ha Extension to the Quarry at Mid Depth – conditionally approved;
 - 1/17/06/129: Erection of 2.5 metre high explosives store – conditionally approved;
 - 1/17/03/003: installation of concrete block manufacturing plant – conditionally approved;
 - 1/17/00/035: S73 to work without compliance with Condition 6, 7 and 9 of PP 1/17/88/083 dated 2/8/88 for the concrete block and paver making plant – conditionally approved;

- 1/17/97/044: Extension to existing offices at Callow Rock Quarry, Shipham – conditionally approved;
- IDO/S/10/B: Notice of Determination of Conditions to which an Interim Development Order (IDO) Permission is to be subject – conditionally approved;
- 1/17/89/077: The construction of new quarry access, weighbridge, wheel wash, realignment of internal roads and other ancillary works at Callow Rock Quarry – conditionally approved;
- 1/17/84/063: The formation of vehicular access and parking area for quarry offices – conditionally approved

4. The Proposal

4.1 This full planning application seeks planning permission for the extraction of minerals (crushed rock) from the Northern Extension at the Callow Rock Quarry complex at Shipham, with the Northern Extension and existing quarry identified as the site.

4.2 The site area, depth and volumes proposed for extraction are identified in Section 2 above.

4.3 As an overview the following is proposed:

- The development proposes to extract a further 30 million tonnes of mineral reserve, with an end date of December 2067 (25 years after the existing end date (February 2042));
- The proposed output rate of mineral reserve is approximately 800,000 tonnes per annum (as at present);
- The hours of operation at the quarry are proposed to be the same as at present, being:

	<u>Enter</u>	<u>Leave</u>
Mondays to Fridays	0600 to 2100	0630 to 2100
Saturdays	0700 to 1700	0700 to 1700
Sundays and Public Holidays	0800 to 1300	0800 to 1300

- The extraction would be worked in 3 phases, from east to west, with the 4th phase being the final extraction;
- The site is to be fully restored on cessation of mineral extraction;
- The reason for the planning application is to secure access to the reserves identified as circa 2 years' worth of practically accessible reserve remain at the present site (from the date of submission in 2016);

- The development proposed would secure the 52 Full Time Employee (FTE) positions at the site, with the indirect delivery from those employees of an estimated £1 million to the local economy each year.

5. The Application

5.1 Documents submitted with the original planning application are:

Plans:

PLAN Site Location 2443-4-1-DR-0001-S5-P1
 PLAN Proposed Restoration 2443-4-1-DR-0004-S5-P3
 PLAN Proposed Footpath Diversion 2443-4-4-5-DR-0002-S5-P1
 PLAN Phase 4 2443-4-1-DR-0013-S5-P1
 PLAN Phase 3 2443-4-1-DR-0012-S5-P1
 PLAN Phase 2 2443-4-1-DR-0011-S5-P1
 PLAN Phase 1 2443-4-1-DR-0010-S5-P1
 PLAN Fence Detail 2443-4-4-5-DR-0003-S5-P1
 PLAN Initial Works 2443-4-1-DR-0009-S5-P1
 PLAN Existing Conditions 2443-4-1-DR-0006-S5-P2
 PLAN Exhibition Photomontage 2443-4-1-2-VS-0002-S3
 PLAN Exhibition Phasing and Restoration 2443-4-1-DR-0014-S5-P1
 PLAN Exhibition Location Plan 2443-4-1-DR-0016-S5-P1
 PLAN Exhibition Existing Conditions 2443-4-1-DR-0015-S5-P1
 PLAN Exhibition Cross Sections 2443-4-1-DR-0017-S5-P1

Reports / Documents:

Scoping Response SCC 250816
 PLANNING APPLICATION SUPPORTING STATEMENT FINAL (300916
 Permission 1_17_13_048 26 July 2013)
 IDO Permission IDO-S-10-B 25 Nov 1994 Exhibition Leaflet
 ES Non-Technical Summary FINAL 300916
 Certificate B Signed
 Callow Submission letter to SCC 300916
 Article 13 Notice Signed
 Application Forms Callow Rock Quarry
 Additional Enviro Information Letter
 Additional Environmental Information report

Environmental Statement:

ES EclA CALLOW ROCK NOV 2016
 ES EclA CALLOW ROCK APPENDICES Horseshoe bats NOV 2016
 ES EclA INVERTEBRATE SURVEY NOV 2016
 ES EclA INVERTEBRATE SURVEY APPENDICES 2016
 ES EclA BAT SURVEY OCT 2016
 ES LVIA Figs VS-0001-9 Photomontage-Viewpoints
 ES LVIA Visibility Cross Sections Figs LV-0008 -14
 ES LVIA Site Location Fig LV-0001

ES LVIA Restoration Proposals Fig LV-0007
 ES LVIA Representative Viewpoints and ZSV Fig LV-0005
 ES LVIA Landscape Value Fig LV-0004
 ES LVIA Landscape Strategy Fig LV-0006
 ES LVIA Landscape Features Fig LV-0003
 ES LVIA Covering Statement
 ES LVIA Landscape Context Fig LV-0002
 ES APPX6 AIR QUALITY Assessment
 ES APPX2 LVIA as full document including all plans and appendices
 ES APPX1 TRANSPT Main Text Figures AECOM TA Part 1 of 2
 ES APPX1 TRANSPT Appendices B to E AECOM TA Part 2 of 2
 ES APPX 9 Agriculture and Soils (Callow Quarry)
 ES APPX 8 Callow Archaeology
 ES APPX 8 Arch Appendix3
 ES APPX 8 Arch Appendix2
 ES APPX 8 Arch Appendix 1
 ES APPX 7 Hydrology, Hydrogeology and FRA v2
 ES APPX 5 Callow Rock Blast Vibration Impact Assessment v2
 ES APPX 4 Callow Rock Noise Impact Assessment v3
 ENVIRONMENTAL STATEMENT main document
 ES PLAN 2443-4-4-5-DR-0003-S5-P1_Fence Detail
 ES PLAN 2443-4-4-5-DR-0002-S5-P1_Proposed Footpath Diversion
 ES PLAN 2443-4-1-DR-0013-S5-P1_Phase 4
 ES PLAN 2443-4-1-DR-0012-S5-P1_Phase 3
 ES PLAN 2443-4-1-DR-0011-S5-P1_Phase 2
 ES PLAN 2443-4-1-DR-0010-S5-P1_Phase 1
 ES PLAN 2443-4-1-DR-0009-S5-P1_Initial Works
 ES PLAN 2443-4-1-DR-0006-S5-P2_Existing Conditions
 ES PLAN 2443-4-1-DR-0004-S5-P3_Proposed Restoration
 ES PLAN 2443-4-1-DR-0001-S5-P1-Site Location

5.2 Following initial consultation no additional information was formally requested under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs).

6. Environmental Impact Assessment (EIA)

6.1 The applicant screened the proposal and acknowledged the proposed development would be deemed EIA development.

6.2 The applicant made a formal 'Scoping Opinion' request to Somerset County Council (SCC). The formal 'Scoping Opinion' (SCC reference 1/17/16/2952/Scoping) was issued to the agent of the current planning application on 25th August 2016.

6.3 This document, as listed above, and published online / on file, identified all elements that would need consideration as part of the formal Environmental Statement (ES) that would be required to accompany and support the planning application (contained and set out in the Environmental Impact Assessment findings from the proposed development).

6.4 The ES submission has been considered and commented upon by interested parties and Statutory Consultees as part of the planning application process.

7. Consultation Responses Received

7.1 SEDGEMOOR DISTRICT COUNCIL:

NO OBJECTION:

There is no objection to this development.

7.2 CHEDDAR PARISH COUNCIL:

OBJECTION:

Cheddar PC would like to object to this application for the following reasons:

- It is in the AONB which is a protected landscape and adjacent to the Cheddar Wood SSSI and circa 150 metres north of the Mendip Woodlands SAC.
- The extra traffic will amount to 263 lorry movements per day or 71,000 per year which will significantly impact on the quality of life for residents of Cheddar for an additional 38 years and will have a detrimental impact on Cheddar's status as a tourist location;
- Shipham Hill has no pavement and is a steep narrow winding hill popular with tourists and cycling clubs and the extra traffic will exacerbate the danger to users;
- There is no emergency escape route on this steep hill, with a petrol station at the bottom;
- The Magic Roundabout is not fit for purpose and has recently been the subject of an investigation by engineering consultants HYDROC who have indicated it is possible to change it to a conventional roundabout as previously suggested as possible by HYDROC consulting engineers, plus additional pedestrian footways being implemented on Shipham Hill, and the vicinity of the 'Magic Roundabout';
- The committee also objected to the proposed diversion of Callow Drove, being twice as long and less inconvenient;
- The proposed Bridle Path should be a dedicated right of way rather than proposed and the footpath ends in a cul de sac which is not good practice.

7.3 SHIPHAM PARISH COUNCIL:

NO OBJECTION:

Shipham Parish Council have received and discussed the above application again following the further information received.

The PC wish to add that a Section 106 should be added to the conditions to this application if granted for contributions to improving the "Magic

Roundabout” at the bottom of Shipham Hill given that it is such a large application with far ranging effects of traffic movement.

7.4 SCC HIGHWAYS:

NO OBJECTION:

The submitted planning application includes a Transport Assessment (TA) written by AECOM (Sept 2016). This assessment clearly sets out the existing use on the site and the associated traffic generated, routing of HGV's associated with the site together with access arrangements. The document also reviewed the recorded PIC (Personal Injury Collisions) within the vicinity of the site and at the Axbridge Rd / Shipham Road (A3135) / Upper New Road (A371) / junction (locally known as the “Magic Roundabout”). The document also details the proposed access and traffic impact together with accessibility of the site by non-car mode of transport. The HA consider that the methodology as set out within the document is acceptable.

The TA is comprehensive particularly as there will be no increase in production and therefore no increase in traffic generated. Traffic movements will continue as existing and utilise the existing access points into the site as appropriate. A review of the recorded PIC's show that there appear to be no local highway safety concerns associated with the site and the traffic movement currently generated. Whilst a study of the % of HGV movements going through the “Magic Roundabout “ was conducted the TA concluded that as the proposal would not increase traffic movements at either the junctions or on the local highway network therefore, it would not be appropriate at this time to consider off site highway mitigation. The Highway Authority will not be seeking off site mitigation or contributions at this time.

Therefore, in conclusion after reviewing the submitted documentation the Highway Authority have no objections to the above proposal.

7.5 SCC LANDSCAPE CONSULTANTS:

NO OBJECTION subject to planning conditions / mitigation:

Although it is acknowledged that the proposed development will affect the landscape and views from a few close proximity receptors, these relatively limited effects will be acceptable, particularly with the implementation and long-term and continued management of the proposed landscape mitigation measures.

The key issue in relation to the proposed development is the potential influence on the nationally recognised AONB. It is acknowledged, that due to the proposed development's location, that the extension to the existing quarry will influence the setting of the AONB. However, these effects will be relatively limited provided the mitigation measures prior to excavation, during working and following completion are followed. In addition, the location of the proposed development adjacent to an existing working quarry, within a

landscape currently and historically influenced by quarrying activity, will not significantly increase the effects on the wider landscape character, selected views or the setting of the AONB.

7.6 SCC PLANNING POLICY:

NO OBJECTION

The policy team believes that the application demonstrates benefits to the local economy. The applicant has also explained the need for the extension, where there are currently only one to two years of life remaining at the current output levels, despite mineral resource continuing to exist in the current quarry. There is therefore a risk in sterilising the mineral resource identified in the proposed extension area.

It is considered that the principles of extending the quarry, when considered alongside other factors, is acceptable from a policy perspective if supported by adequate justification on the benefits of the development and evidence that adverse impacts will be appropriately mitigated.

In addition, consideration will need to be given to the restoration scheme, in accordance with Policy DM7 (and Table 7) of the emerging Somerset Minerals Plan.

7.7 NATURAL ENGLAND:

NO OBJECTION subject to planning conditions / s.106 Agreement:

Thank you for your consultation. Natural England agrees with the conclusion of the HRA that, provided that the two recommendations on relating to dust suppression measures and horseshoe bat replacement habitat are conditioned or subject to a s106 agreement, the proposed extension is unlikely to effect the integrity of European designated sites.

7.8 ENVIRONMENT AGENCY:

NO OBJECTION subject to planning conditions / applicant informative:

We have no objection subject to the inclusion of the following conditions in any grant of planning consent:

Conditions:

Prior to the commencement of operations, a 'scheme' for water resource and water quality monitoring, analysis and interpretation shall first be submitted to, and approved in writing by the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations a 'scheme' that will provide for maintenance of spring flows, stream flows and their water quality, shall first be submitted to, and approved in writing by the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations, a 'scheme' that will provide for maintenance of Private & Licensed Water Interests and their water quality shall first be submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: Protection of controlled waters.

Prior to commencement of operations, a scheme for the provision of regular Hydrological and Hydrogeological monitoring data reporting, analysis and interpretative reviews to the Environment Agency and Mineral Planning Authority should be agreed in writing by the Mineral Planning Authority. The scheme shall thereafter be submitted in accordance with the approved details.

Reason: Protection of controlled waters.

For the purposes of facilitating and verifying the discharge of their obligations, the site operator shall maintain in good working order any water resources monitoring facilities (i.e. stream flow measuring stations) to the reasonable satisfaction of the Environment Agency. Where any such monitoring facility becomes unserviceable details of appropriate replacement facilities should be submitted to and agreed in writing by the Mineral Planning Authority in consultation with the Environment Agency. Replacement monitoring facilities shall thereafter be put into operation and maintained as agreed.

Reason: Protection of controlled waters.

Guidance to Mineral Planning Authority/Applicant:

Guiding principles are that any future discharge augmentation or water quality improvements to said (spring flows and stream flows, Private & Licensed Water Interests) be sufficient to maintain 'natural' flow and quality levels and that they are to be maintained for the duration of quarrying operations and thereafter until the natural water balance has been restored. If you are minded to approve the application contrary to the above advice, it is considered essential that you contact the Agency to discuss the implications prior to determination of the application.

7.9 **SCC LEAD LOCAL FLOOD AUTHORITY (LLFA):**

NO OBJECTION:

Having reviewed the information submitted the LLFA has no objections to this application as submitted.

7.10 SCC PUBLIC RIGHTS OF WAY:

NO OBJECTION subject to applicant informative:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site at the present time (footpath AX 13/7) There is also a definitive map modification order (DMMO) application for a bridleway along the existing footpath. I have attached a plan for your information.

The current proposal will obstruct the footpath.

The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

Somerset County Council's Rights of Way Group have received an application form for the diversion of this public footpath. This application is useful in the context of the planning submission, however given the definitive map modification order (DMMO) application for a bridleway along the existing footpath, it will mean that the proposed diversion will not be processed until such time as the DMMO application has been determined (comment – no time line for such a determination has been provided). For any further information on this matter please contact Mr Peter Hoble, Rights of Way Service Manager (pahoble@somerset.gov.uk).

The County Council does not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

7.11 **SCC ACOUSTICS ADVISOR:** Comments

This email supplements comments I made in my report 302620N.354v1 on 23/12/16 and is based on consideration of Aggregate Industries ES – Additional Environmental Information (April 2017). Section 2.4 to 2.25 presents additional information covering several aspects associated with noise impacts and my comments on these points are as follows:

1. The construction of the perimeter bund is confirmed (para 2.5) to take place prior to any mineral extraction and as such there would not appear to be a risk of the combination of construction and extraction noise sources.

Construction of the bund and the total area soil strip is stated to last longer than the 2-3 weeks indicated in the initial noise impact assessment and to take 3-4 weeks. This is therefore a reasonably short period of time and less than the eight week period permitted under NPPF guidance. The reasonably short period for these temporary activities is the consequence of a small bund formation and shallow top soil / subsoil combined total depth ranging between 20cm to 40cm.

Looking at the detail of the bund, comparing spot heights on drawings DR-006 and DR-0010 and using the 3:1 / 2:1 external / internal bund profile assumption it would appear total minimum bund volume is approximately 11,000m³ plus the requirements at the northern corners of the bunded enclosure. Based on the total strip area of 108,000m² the estimated minimum bund volume would require a soil depth of approximately 10cm.

This estimate, and the Agriculture and Soils report indication that the site may yield 29,200m³ of soils, would therefore appear to show adequate material to achieve the indicated bund profile.

Paragraph 2.12 makes the point that the bund is a screening landform and this would be confirmed from final upper perimeter bench heights that are approximately 5m below nearest bund crest heights. As such the classification of the construction of the bund and the land strip would justify relaxed noise

conditions under present NPPF guidance. The impacts of this 3-4 week period of temporary work, as demonstrated by the applicant's noise predictions, would be well within the noise limits of 70dB(A) permitted for these activities under NPPF guidance.

In my view it would seem reasonable for any subsequent consent to contain a specific condition to indicate a relaxation of noise conditions during the period of land-strip and bund construction. The initial activities to establish the bund footings would represent the greatest noise and a noticeable change to the noise environment to properties to the north. While the noise impacts of these temporary works would be well within the 70dB(A) NPPF limit, I would suggest that there may be potential benefit in delaying the starting times of operations so as to avoid risk of early morning disturbance and to align with the daytime hours of the PPGN recommendation of 07:00-19:00.

2. The requirement for further explanation of working methods stems from missing descriptions and durations in the initial submission and from confusion with the situations described by the drawing titles. It would now appear the drawings provided are phases of time and that these are not necessarily restricted to showing the working of individual phase areas of the site.

The drawing DR-0009 'Initial Works' does not indicate the situation of initial work at the commencement of stone extraction that would be expected to occur following land strip. DR-0009 indicates a situation at the completion of what is expected to be up to 16m of stone removal (226m from a ground height 243m less 1m soil) within the phase 1 area that is still not described in any detail. Drawing DR-0009 would also indicate levelled surfaces were present in phase 2 and phase 3 areas, but does not show the surface heights and it is therefore difficult to deduce what activity will have taken place within these areas to arrive at the 'Initial Works' situation. The drawing DR-0010 'Phase 1' actually shows that the phase 2 area has been levelled by approximately 11m to 226m AOD in addition to the phase one bench development to 214m.

The applicants' recent response is still confusing and states "After soil stripping, extraction of limestone will commence in Phase 1 as shown on Drawing No. DR0009 (Initial Works). The quantity of limestone to be removed in order to reach the face positions shown on Phase 1 will be approximately 1.1 million tonnes down to a level of 226mAOD". I assume this statement refers to the stone above the phase 1 area and not the phase 1 drawing, otherwise the statement above would appear to contradict the following statement in paragraph 2.14 that states "The upper benches in Phase 2 [that are show worked in the phase 1 drawing] will release approximately 1.1 million tonnes of limestone down to a level of 226mAOD and a further 1.1 million tonnes down to a level of 214mAOD. The estimated timeframes associated with these stages of extraction operations are approximately 1 - 1.5 years (to 226m AOD)". It would therefore appear 2.2Mt of stone will be removed over 3 years before achieving the situation identified as 'Phase 1' in drawing DR-0010. This drawing indicates a levelled surface height of 226m

AOD within the phase 1 and phase 2 area, and a point where surface operations would be screened by greater surrounding bund and face heights and, when combined with the lower topography of surrounding residential development near to the site, provide effective acoustic screening. The additional time to sink the lower benches shown in DR-0010 in the phase 1 area is then 9 months.

It is not clear at what point extraction will return to the surface of the phase 3 area but it is now estimated that 6 months is necessary to reduce this area to a surface height of 226m AOD. This would therefore suggest the duration of the most exposed surface activities, involved in achieving a working depth of 226m AOD over the entire site, would last a total of 3.5 years.

In my view there would still remain a lack of detail to the operators approach in undertaking the initial reduction in rock height and diagrammatic description from the completion of soil strip to 'Initial Works' would have been helpful. This would appear to amount to a 16m depth in rock height in the middle area of phase 1 and I would suppose this would represent significant activity prior to the initial point of consideration that is currently inferred by the 'Initial Works' drawing DR-0009.

These initial extraction activities are likely to represent the periods of greatest noise impact and change to residents and will continue for 3.5 years until the point when a level of 226m AOD has been achieved (shown in the Initial Works drawing DR-00009). While operations would be expected to comply with the existing daytime noise conditions permitted under the NPPF, the MPA may consider that better detailing is required to describe the working during this period, particularly when they might be expect this to give rise to resident's concerns at the onset of quarrying in a new area.

3. The residential (or occupational) status of Drove Farm still remains uncertain and this needs to be clarified by SCC if noise limits are to be applied to this location. The applicant has now provided noise level predictions for this location without interpretation however the calculations indicate noise at Drove Farm from unscreened machinery that includes an excavator, or dumper or dozer would individually not exceed 47dB(A) and when combined the 51dB(A) is seen to remain well below the temporary limits for bund works.

The predicted noise from extraction activities is 46dB(A) and has been based on an upper bench height of 235m AOD. The location of the bund crest at 237m AOD and the property elevation at 178.5m AOD would suggest significant attenuation and would suggest safe compliance if adopting the existing noise limits of 55dB(A) currently applied at any noise sensitive property between 07:00-19:00. Noise may be greater during the undescribed works prior to 'Initial Works' and may exceed the existing morning and evening noise limits of 45dB(A) and as such the existing noise condition may curtail these initial extraction activities that are more exposed and prior to establishing the 226m AOD upper bench.

If a noise condition similar to the 2013 consent is to be adopted for this development then the issue of residential status becomes less significant as Drove Farm might be considered as 'any noise sensitive property' under circumstances of occupation.

4. The applicant makes valid points with regard to the long-term presence of existing noise at Callow Bungalow and the fact that direct impacts from the expansion area will not be significant at this location. However the outcome from the proposed development will be to greatly increase the life and duration of existing transport impacts experienced at the bungalow.

The operator indicates the tenant to be the weighbridge operator and as such I would expect them to have an acceptance of site noise well beyond that likely to be tolerated by un-associated tenants.

The applicant suggests a planning condition applied to Callow Rock Bungalow might fail to meet the tests of validity outlined in NPPF guidance and I have reviewed these aspects as follows:

- necessary, [conditions would seem necessary if planning was considered to have a role to afford protection against an escalation of noise under these circumstances of tenancy. Failure to afford some protection against noise could make occupation difficult particularly if sleep was disturbed. In the situation where the tenant is an employee it would not be in the interests of the operator to cause harm to his employee and I would expect there to be a process to address any issues raised by the tenant. While I am not certain, it is possible that Employee Health and Safety legislation may therefore apply to this form of tenancy when an employer provides accommodation to an employee within the site boundary. In these situations a planning condition may not appear necessary.]

- relevant to planning and to the development to be permitted, [Planning requires conditions to protect against unreasonable impacts to those not directly associated with the permitted activity. The appeal outcome at Moons Hill Quarry has established the acceptance for planning conditions when applied to a quarry owned property when it is occupied by tenants that are not employees of the applicant.

Information now confirms the tenant is an employee working in the weighbridge and as such this situation may justify exclusion from planning consideration in a similar way to that of an applicant's own property when it is effected by the application in question.

The consideration of noise impact at Callow Bungalow is relevant to the development as any consent for development will result in the continuation of noise at the dwelling. Conversely failure to gain consent may cause premature closure of the quarry and termination of both employment of the resident and termination of any tenancy agreement.]

- enforceable, [The specification of a noise limit intended to provide protection against any escalation of noise and sleep disturbance would rely on either a monitoring scheme or a request and permission from the tenant to undertake independent noise assessment. It would therefore appear possible to specify and identify a situation of acceptable noise impact and to require mitigation measures if the level was exceeded. The operator indicates the consequence of an attempt to mitigate noise and constrain development might however be the eviction of the tenant. As such it would seem independent monitoring of noise at Callow Bungalow might not be expected to be at the request of the tenant or even permitted within the quarry owned property.]
- precise, [The external noise levels that might be applied to protect tenants from unforeseen increased noise impacts might be established via measurement of typical operator impacts and by establishing that these impacts were subjectively acceptable to the tenant.]
- reasonable in all other respects, [The attempt to afford some safeguard to a tenant against unexpected increase in noise impact would seem reasonable particularly if, this was not to constrain the existing operations, if present impacts were described by the applicant as reflecting future operations and these impacts could be demonstrated to have been previously acceptable to the tenant.]

In my review of the issue of applying planning safeguards to Callow Bungalow I now consider there are several reasons why conditions may be unnecessary. These reasons would not exist if the tenant was not an employee of the applicant. The present circumstances of occupation therefore differ from the tenancy arrangements at Yellow Marsh Farm where an appeal ruling supported the use of planning conditions to protect night time amenity.

The applicant's proposal to adopt the noise conditions of the 2013 consent, would continue to carry forward the earlier advice based on MPG 11. The interpretation of this resulted in noise limits that remained at the upper boundary of successive mineral planning advice. Current planning noise limits would now be based on the following PPGN guidance:

- Daytime limits 07:00-19:00 to not exceed background level with a +10dB allowance;
- Evening limits 19:00-22:00 to not exceed background level with a +10dB allowance;
- Night-time limits 22:00-07:00 to not exceed 42dB(A).

The advice within PPGN, as quoted in 3.9 of the Noise Impact Assessment, would appear to permit greater daytime limits than those set within an allowance of 10dB on background level with justification. However there would appear to be less scope for this adjustment outside of the defined daytime period.

As indicated in my report there is no recent noise monitoring to establish the present noise environment and to determine a basis for conditions between

06:00 to 07:00 and 07:00-19:00. If this was done it is likely that the operator would need to comply, or at least justify why he could not comply, with lower noise limits at some locations to the north of the development. At present these lower noise limits would not apply to these properties with the proposed carry forward of the 2013 consent with its limits applied to 'any noise sensitive property'. While, based on the applicant's predictions, lower daytime limits would not be expected to constrict established operations from the 226m AOD level, they may require better justification from the operator to indicate that best noise mitigation measures have been taken if earlier extraction activities are to be permitted to exceed these limits, as may prove necessary. In my view the NPPF would indicate that more lenient daytime noise conditions than BL+10dB are possible for this period of extraction provided justification is given and it has been demonstrated that reasonable mitigation of intrusive noise has been ensured.

7.12 SCC ARCHAEOLOGY:

NO OBJECTION:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

7.13 SOUTH WEST HERITAGE TRUST:

NO OBJECTION:

I have not visited the site but referred to our maps, HER records and the maps, Archaeology and Cultural Heritage reports and visibility Photomontage included in the application documents. On the basis of this information I am content that the proposed quarry extension would not have any negative impact on the built historic environment of this area.

7.14 SCC ECOLOGY:

NO OBJECTION subject to planning conditions:

Full comments listed in appendices to this report

7.15 NATIONAL PLANNING CASEWORK UNIT:

No comments received.

7.16 SCC AIR QUALITY ADVISOR:

NO OBJECTION subject to planning condition.

It is my opinion that the dust mitigation arrangements originally set out in condition 25 of permission IDO/S/10/B and continued under condition 9 of Permission 1/17/13/048, are sufficient.

Consultations (Non-Statutory Consultees):

7.17 COUNCIL FOR THE PROTECTION OF RURAL ENGLAND (CPRE):

OBJECTION:

CPRE Somerset wishes to make the following comments on this application:

Landscape Impact: The existing quarry and proposed extension lie entirely within the Mendip Hills AONB. AONBs are nationally important landscapes which have “the highest status of protection in relation to landscape and scenic beauty” according to NPPF section 115.

Extending Callow Hill Quarry as proposed would inevitably impact on the appearance of the designated landscape. We accept that the existing quarry is well hidden from the surrounding countryside but the proposed extension involves removal of the top of the hill and could well have a more significant visual impact, particularly when viewing the Sedgemoor ridge from afar – in fact the ridgeline is visible from many popular viewpoints well outside the AONB itself.

The proposed screening mounds and planting are designed to help to mitigate some of this visual impact but it is vital to ensure that such features are fully in context with the local topography and reflect the character and natural profile of the landscape. We would like to echo the concerns raised by the Mendip Hills AONB Unit about the visual impact on views from the south where screening would not be possible.

Impact on Local Amenity & Tranquillity: Somerset Minerals Policy DM8: MINERAL OPERATIONS AND THE PROTECTION OF LOCAL AMENITY states that “the applicant must demonstrate: ‘a) that the proposed development will not generate unacceptable adverse impacts on local amenity.” It is also important to note that the NPPF also states (section 144) that it is the duty of the planning authority to “ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;”

Picking up on a couple of these key points:

Noise: By its nature, quarrying is a noisy activity. Extending the area to be quarried will increase the potential for noise intrusion within the AONB and will mean that the AONB and its communities will be subject to this loss of tranquillity for an additional 25 years on top of that allowed under the existing consent.

Traffic: Callow Rock Quarry currently generates considerable traffic movements as it has no rail link, unlike some larger quarries in East Sedgemoor. We appreciate that the extension would not involve any increase of traffic movements or working hours. However, we are aware of concerns from residents of Cheddar that the existing road network is not suitable for the current level of quarry traffic.

Cheddar is currently the subject of several major planning applications for large housing developments. Inevitably, these will lead to a significant increase in traffic in an area which already has an inadequate roads infrastructure and which is poorly served by public transport. CPRE is therefore very concerned about the impact of allowing significant quarry traffic movements on these roads for a further 25 years without any mitigation measures or road improvement schemes. If this proposal is granted permission, we would urge Somerset County Council to consider placing restrictions on the movement of traffic and the size of the vehicles used.

Should permission for the extension be granted this should be conditional on any dormant permissions being relinquished and an undertaking that no applications for further extensions will be made.

CPRE Somerset feels that unless our concerns can be addressed adequately during the application process, this proposal should be refused.

7.18 THE MENDIP HILLS AONB TEAM:

COMMENTS:

Thank you for giving the Mendip Hills AONB Unit an opportunity to comment on the above planning application. The comments below are made in the context of national and local planning policies and also the objectives of the Mendip Hills AONB Management Plan 2014 to 2019.

The AONB Management Plan has an important role in securing commitment from public bodies, including action to comply with the Countryside and Rights of Way (CROW) Act Section 85 Duty of Regard. The CROW Act 2000 requires relevant local authorities to produce and adopt a plan which 'formulates policy for the management of the area and for carrying out their functions in relation to it.'

A key objective of both planning policies and the AONB Management Plan is to conserve and enhance the natural and scenic beauty of the designated landscape of the Mendip Hills. The National Planning Policy Framework (NPPF) recognises the importance of protected landscapes stating in Section 115 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' We recognise that the NPPF also suggests that great weight should be given to minerals extraction whilst it also states that when granting planning permission for minerals development there should be no

unacceptable adverse impacts on the natural and historic environment (paragraph 144).

A key AONB Management Plan objective (L1) is to promote appropriate management to ensure that the distinctive landscape is maintained and enhanced. The Plan also recognises that quarrying is an important part of the Sedgemoor economy referring to Callow Rock as one of the two major quarries in the AONB (paragraph 3.6.11). Also, Management Plan Objective LM4 is to influence the use, restoration and after use of all quarries to minimise the impact on the landscape and to be compatible with the purpose of designation.

Whilst recognising the historical and cultural connection of quarrying to the AONB and the economic considerations involved, the AONB Unit has major concerns about its impacts on the special qualities of the designated landscape and the potential for these impacts to be increased as a result of the current proposals.

Extending Callow Hill quarry as proposed would inevitably impact on the appearance of the designated landscape within a number of important views within the AONB. We note that it is proposed to create screening mounds and planting in an attempt to mitigate visual impacts. However, it will be essential to ensure that such features are fully in context with the local topography and reflect the character of the landscape.

By its nature, quarrying is a noisy activity. As the AONB Management Plan points out, tranquillity is one of the features of the designated landscape (paragraph 1.3.2). Extending the area to be quarried will increase the potential for noise intrusion within the AONB. It is anticipated in the Supporting Statement accompanying the planning application, that at current output levels, the proposal to extend at Callow Rock would, if approved, maintain quarrying activities for an additional 25 years to that allowed under an existing consent. With this in mind, the AONB Unit has concerns over the impacts of quarrying, such as those mentioned above, being experienced over a considerably longer period of time.

With all quarrying sites, proposals for after use and restoration are key issues. In the event of consent being granted for an extension of Callow Rock quarry area, we feel that this will be a most important consideration in terms of achieving the objectives of the AONB Management Plan. In particular, an effective and strategic restoration plan will help achieve the conservation and enhancement of the AONB landscape and biodiversity and also provide future access and recreation opportunities.

7.19 THE SEDGEMOOR SOCIETY:

OBJECTION:

We hereby object to the above planning application for the following reasons:

1. The site is in the Sedgemoor AONB which is protected landscape. It is also adjacent to SSSI and European Protected SAC sites. The proposal will cause substantial damage to the Mendip Hills AONB when viewed from within the AONB or from without viewed from the Somerset Levels to the south and from vantage points to the north of the quarry. It will have a substantial detrimental impact of the public's enjoyment of the AONB.
2. The proposal will give rise to a substantial increase in quarry lorry movements. In this respect we note that Cheddar Parish Council estimate around 263 movements per day or 71,000 per year. Such traffic will undoubtedly cause environmental damage to the AONB, discourage tourism and substantially impact on the public's enjoyment of the AONB;
3. The flora and fauna is one of the assets of the AONB. The proposal will cause irreparable damage to flora and fauna at a time when world governments are purportedly seeking to reverse the impact that proposals such as this one are having on the environment and climate.

Further submission: Objection maintained (01.08.2017)

1. With reference to the submission of further information relating to an Environmental Statement accompanying the application to develop a northern lateral extension to Callow Rock Quarry, consolidation and regularisation of existing operations and associated ancillary development, our further comments are as follows:

The application proposes a northern lateral extension to the existing quarry at Callow Rock (extension area of 12 hectare) together with the consolidation and regularisation of existing operations and associated ancillary development and proposals to extend the extraction operation by 25 years. Additional information as set out above has been provided in respect of noise, landscape and visual impact, biodiversity and cumulative impacts.

2. As highlighted within our previous comments, the National Planning Policy Framework (NPPF) under paragraph 115 sets out that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.' We would include that as the development proposal is considered major development, paragraph 116 of the NPPF should also be considered. Paragraph 116 sets out that

'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

Further, the Countryside and Rights of Way (CROW) Act 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. The primary purpose of the AONB designation is to conserve and enhance natural beauty. The Mendip Hills AONB Partnership produced the AONB Mendip Hills Management Plan 2014-19 as required by the Act on behalf of the joint local authorities and is a material planning consideration. The Mendip Hills AONB Management Plan under paragraph 1.4 sets out a Statement of Significance on the special qualities that create the Mendip Hills AONB sense of place and identity and these special qualities include views, tranquillity and distinctive limestone ridge. The development proposal will have a negative impact on these special qualities as the 12 ha extension proposes traversing the summit of the hill within the proposed extension area impacting not only the ridge (skyline), but also views from various locations. There will further be an impact in terms of noise not only from the proposed workings, but also in terms of vehicles and particularly HGVs proposed within the Mendip Hills AONB for an additional 25 years which will negatively impact on the sense of tranquillity of the protected landscape.

In reviewing the additional information submitted, I also reviewed the Landscape and Visual Impact Assessment (LVIA) and visited the proposed extension site and walked various rights of way and other routes in the vicinity. Within the LVIA under paragraph 3.51 it sets out that the 'open landscape within the study area renders it potentially highly sensitive to change' however sets out that due to the current quarry and significant landscape and visual impact, in the context the sensitivity of the local landscape in relation to proposed development is assessed as being medium. I would highlight that the proposed extension will have a significant effect on the landscape within the wider local landscape context. In terms of visual impact, as set out in paragraph 3.68 within the LVIA, the development proposal will have a significant visual impact, 'At this distance the effect would probably be marginal but still significant, particularly during the initial working stages at the upper levels'.

3. As highlighted in our previous comments and set out above, the Mendip Hills AONB Unit has major concerns as relates to the proposed development (a 12 ha extension that would extend over the summit of the hill and 25 year extension of the operation) and negative impact on the special qualities of the designated landscape, together with significant impact on the landscape character and visual amenity and potential cumulative effect of multiple impacts given the consented development at Shipham Quarry. Paragraph 144 of the NPPF sets out that

'When determining planning applications, local planning authorities should ... ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment ... and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality'.

Further, the Local Planning Authority will be required to consider whether the proposed development fully satisfies the requirements of paragraph 116 of the NPPF together with considering other material planning considerations including conserving landscape and scenic beauty (paragraph 115) and protecting the special qualities of the outstanding landscape of the Mendip Hills AONB.

We note under paragraph 8.17 of the Supporting Statement dated September 2016 to the planning application that the applicant sets out that 'Minerals can only be worked where they are found, and therefore the mineral resource at Callow cannot be developed elsewhere.' Within the submission documentation accompanying the application, it is unclear how the requirements of paragraph 116 have been considered and particularly in the context of the adopted Somerset Minerals Plan (February 2015).

7.20 SOMERSET WILDLIFE TRUST:

COMMENTS:

I will make reference in my comments below to points already made in the Somerset Wildlife Trust's initial response letter dated 08 November 2016; to items in the AI ES/EIA; and to items in Andrew's Ecology's EMP. The EMP covers Ecological Networks in section 6.2 (pp.18-21). For clarity we repeat some of our previous comments here from our initial response letter and email communications with SCC (dated 10 April 2017). The ES/EIA states:

2.35 The proposals contained within the EMP have been discussed with SWT which has confirmed that it is generally satisfied with the enhancement of the areas proposed and also satisfied that managing the soil bunds round the extension, as described in their consultation response, and gapping up the hedgerow along the western boundary of the existing quarry and extension area would maintain the connectivity of their ecological networks, both these elements being included within the EMP.

SWT do not agree with this statement. The soil bunds proposed in the EMP and the hedgerow works outlined, as discussed with AI and initially suggested in our 08 November 2016 planning response, are good measures towards mitigating the loss of the grassland and woodland ecological networks, but in our opinion do not offer sufficient mitigation or compensation for the loss of 11-12 ha of ecological network, nor do they result in 'net gains for biodiversity' as per Policy DM2 of the Somerset Minerals Plan (14.6). The grassland ecological network impacted by the loss of the three fields in the proposed extension area will result in the shrinkage of the grassland ecological network

present, even after the construction of the proposed bund, which will be narrow and take some time to establish. In our original response letter, item 2b states:

The grassland ecological network from which the core habitat and dispersal areas are to be lost through the quarry expansion is a relatively small network in relation to others in the Mendip Hills, and therefore the impact of the loss of habitat could be great. Strengthening this grassland ecological network could be achieved by working in partnership with neighbouring landowners to increase the size of the network. Further, as stated in e-mail correspondence from SWT to SCC, the loss of the core habitat and dispersal area of grassland ecological network in the fields of the extension site will not be mitigated for at all by the bat mitigation. Whilst the bat mitigation aims to introduce cattle grazing to two existing fields in Andrew's Ecology's Area 3 and carry out scrub control – both of which are potentially beneficial to the area of core grassland habitat already present in Area 3 – this is a separate grassland ecological network to the one north of Callow Rock which is to be affected by the extension site. There will be no net gain to core habitat by this mitigation and there are no physical links between the two networks west and east of the road.

With regard to the woodland ecological network, the loss of the three fields to the north of the consented quarry will still result in the loss of 11 ha of woodland dispersal area creating a very 'hard' edge to the core woodland habitat of Callow Drove LWS and the core habitat lying to the east of the easternmost field of the extension site; both of which will decrease the resilience of that area of the network through increased edge effects / potential disturbance. Our comments on this in our initial letter were as follows:

Improving connectivity of the woodland ecological network on the western side of the extension site and the consented quarry, linking the core woodland habitat of the ecological networks south and north of the quarry would hopefully promote dispersal of dormouse (and other woodland species), reducing population fragmentation. This might be achieved by the provision of native species-rich hedge along the western boundary of the proposed extension and existing quarry, but would be even better achieved by working on a landscape-scale co-operatively with neighbouring landowners to provide greater gains.

Somerset Wildlife Trust has had much success in the facilitation of such partnerships for landscape-scale biodiversity gain and can offer assistance with this. Al and Andrew's Ecology are to be commended for attempting to address concerns we have over the loss of the size, connectivity and resilience of Somerset's Ecological Networks within the Al landholding but SWT feel that in order to fully mitigate the loss of habitat as a result of the proposed extension what is required is a broad view, taking in the wider landscape present and potentially achievable. SWT envisage a co-operative landscape scale conservation project with neighbouring landowners to enhance the biodiversity of the grasslands beyond but in the vicinity of the

quarry, strengthening the resilience in particular of the grassland ecological network in a substantial rather than piecemeal way, and working to greatly enhance the connectivity of the woodland network for its associated species (particularly bats and dormouse).

7.21 SOMERSET SCIENTIFIC SERVICES – AIR QUALITY:

NO OBJECTION subject to the inclusion of a planning condition.

It is my opinion that the dust mitigation arrangements originally set out in condition 25 of permission IDO/S/10/B and continued under condition 9 of permission 1/17/13/048 are sufficient.

7.22 BRISTOL WATER:

NO OBJECTION.

We would confirm that we have no objection to the development.

7.23 PUBLIC COMMENT:

19 letters of support have been received from the public, citing:

- Suitable Development;
- Economic Benefit;
- Provision of Minerals;
- No Traffic Impact (vehicle numbers to remain as at present);
- No Visual Impact;
- No Ecological Impact.

5 letters of objection have been received from the public, citing:

- Noise / Dust / Light Pollution;
- Ecological Impact;
- Impact on the AONB;
- Impact on Public Rights of Way;
- Blast Vibration;
- Increase in Traffic;
- Impact on Non-Designated Heritage Assets

8. COMMENTS OF THE SERVICE MANAGER – PLANNING CONTROL, ENFORCEMENT AND COMPLIANCE:

Matters for Consideration:

In this case the following matters are material considerations (comment as in the Summary):

- The Principle of Development;
- The Need for the mineral/extension;
- Impact on Highways;
- Impact upon amenity (residential and users of the Area of Outstanding Natural Beauty (AONB)) – noise / dust / light pollution;
- Visual & Landscape Character Impact;
- Ecology (including possible effects on SSSI and SAC);
- Water Management (subterranean / surface water)
- Archaeology / Heritage Assets
- Loss of Agricultural Land
- Impact on of Public Rights of Way (PRoW)
- Other Matters (impacts from blasting / impact on property values from the development)
- Planning (consideration of the benefits and detrimental aspects of the development) / Section 106 Agreement

8.1 Principle of Development / Need

8.1.1 The planning application seeks to secure permission for the extension of the life of the quarry in relation to permitted extraction.

8.1.2 The proposal identifies circa 800,000 tonnes per annum of mineral will be extracted each year from the quarry (maintaining current output levels).

8.1.3 The mineral mined at the site is limestone (for the crushed rock market) and this mineral is of local / regional importance.

8.1.4 To establish the acceptability of the principle of development it needs to be identified as being in accordance with the Development Plan, and if not then, on balance of other material considerations, if the proposal would be acceptable (including whether negatives can be outweighed through the imposition of planning conditions).

8.1.5 In relation to 'Need', there is a need, as set out in the development plan (specifically the Somerset Minerals Plan), for SCC to maintain the minerals land bank and the development proposed would also secure the long term continuation of supply from this quarry thereby avoiding the need for inefficient mothballing / sterilisation of reserves or the re-opening / intensification of less environmentally sustainable quarries.

8.1.6 Further to the above, policies SD1 and SMP3 of the Somerset Minerals Plan (SMP) are important in establishing need / support for the lateral extension of the quarry. They state that:

SD1

When considering mineral development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)

SMP3

Planning permission for the extraction of crushed rock will be granted subject to the application demonstrating that:

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and*
- b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities*

8.1.7 Subject to the accordancy of the development with the three 'golden threads' of sustainability prescribed by the NPPF, and that the scheme can deliver clear local (and regional / national) economic and other benefits, in a form that can be suitably mitigated from adverse impacts then the scheme can be considered acceptable, subject to further demonstration of accordancy with paragraphs 115 and 116 of the NPPF (see below).

The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy

8.1.8 In relation to the first point the 'The Benefits of Quarrying and Related Activities to the Somerset Economy' report, published in 2014, states that quarry activity has an annual turnover of £209.2 million, with a Gross Value Added of between £56 million and £74 million per annum.

8.1.9 Furthermore, the aforementioned report states that 1045 people are employed directly in the industry as Full Time Equivalent (FTE) employees, with an additional 280 FTE jobs in indirect employment.

8.1.10 The 'State of the Somerset Economy 2016: Technical Evidence Base' (TEB) stated that in Sedgemoor District the GVA per FTE, in Mining and Quarrying was £140,535 (2011 prices / £). Of all the 18 identified sectors that are measured in the economy, only Real estate activities resulted in a higher GVA per FTE.

8.1.11 Knowing that the TEB identified 203,460 people in FTE in Somerset, and that the average GVA per FTE was £47,117 (£9.5865 billion / 203460 FTE), the mining and quarrying sector, with a percentage of 0.51% of the total FTE roles, generates a GVA of £140,535 per FTE, it is evident that the sector is very productive and makes a significant contribution per person, compared to the County average. Based on the information contained in the TEB, the quarry would continue to make a considerable contribution to the 'Heart of the South West Local Enterprise Partnership (LEP)' (which includes Devon, Plymouth, Torbay and Somerset), where Somerset delivers circa 43% of Mining and Quarrying activity across the LEP area.

The supporting planning statement also states that:

8.64 It is evident that should permission not be granted at this juncture, the existing quarry would be required to continue to operate in accordance with its extant permission, including restoration requirements. It is likely that it would not be economically or practically viable to return to the site in the future, and

the mineral resource identified in the proposed extension area, and existing quarry, would effectively become sterilised.

8.65 It is understood that much of Somerset's current mineral landbank is provided by the rail linked quarries located in the East Mendips area. These quarries supply a distinct and separate market from Callow, exporting minerals via rail into other regions within the UK, most notably the South East, and are therefore of national importance. The location of Callow in the West Mendips largely serves markets in the West Mendips, West Somerset and South Bristol, and also helps avoid excessive cumulative impacts arising from quarrying within the East Mendips.

8.66 Given that the resource at this site is both available and economically viable to extract, and owing to its properties, the winning and working of the mineral at Callow produces no waste making the operations extremely efficient and highly sustainable, alongside the fact that the ES does not identify any significant negative impacts as a result of the proposed extension, it is submitted that extraction of further mineral at this site is not only appropriate, but desirable. The outcome of limiting extraction to the current permitted extent would have the effect of sterilising an important mineral resource.

(source – ES Supporting Planning Statement paragraph 8.64 – 8.66).

It should be noted that the neither planning application or supporting Environmental Statement provide definitive figures in terms of the financial benefits that the development could deliver to the local economy. This has resulted in the need to view the development in the wider countywide aspect, which would not provide the tangible evidence of the schemes benefit to the local economy (as required by paragraph 116 of the NPPF).

In this case it is considered the scheme is needed, in light of its delivery to the local economy as well the fact that it would alleviate pressures for the creation of new quarries and / or extend other quarries where cumulative impacts could be significant, and that the levels of waste are stated as being zero from the operations proposed. In addition, to work and restore the quarry under existing permissions has also been stated as an action that would sterilise a known and currently economically viable reserve.

In terms of the National Consideration, the NPPF does not provide a definition. To consider this element, the literal definition is applied, being as follows:

'National' – relating to or characteristic of a nation; common to a whole nation

'Consideration' – careful thought, typically over a period of time

In essence it is considered the meaning of 'National Consideration' is as follows:

The thought given (to a development) and how that could affect the character of the Nation over a period of time.

In this case, the character of the Nation is one of diversity in economic activity, landscape, people and cultures, driven by industry, innovation and a shared history (both human and natural). What the quarry would continue to deliver is industry and economic opportunity both locally and, in part, nationally and would not be to the long term detriment of the character of the area (see Landscape Consultant comments). This is further supported by the Somerset Minerals Plan (2015), where it states in Objective A (Vision and Plan Objectives) that the objective is:

To ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular:

- *the county's nationally important role in crushed rock supply*

Knowing the above it is considered the development could be in the National Consideration as it means this quarry would continue to make a significant yearly contribution to the output of crushed rock from Somerset to meet national requirements (the quarry would deliver circa 8% of the total crushed rock output from Somerset per year, and without such continued delivery wider markets and national projects (including the construction of Hinkley Power Station 'C') could be delayed to the detriment of the National Interest.

8.2. Highways

8.2.1 The relevant policies relating to highways are Policy DM9 of the Somerset Minerals Local Plan and Policy TM1 of the Sedgemoor District Local Plan

8.2.2 Policy DM9 reads:

Mineral Transportation

Planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to:

- a) highway safety;*
- b) alignment;*
- c) proximity to buildings;*
- d) air quality;*
- e) the integrity of the road network including construction and any impacts on capacity;*
- f) disruption to local communities.*

Proposals for mineral development that will generate significant transport movements must be supported by a Transport Assessment and Travel Plan.

The Transport Assessment will need to demonstrate that appropriate consideration has been given to the alternatives to road transport, including rail, as a primary freight transport option. Alternatives to road transport should be pursued if they are demonstrated to be practicable and beneficial.

8.2.3 Policy TM1 reads:

Safe and Sustainable Transport will be achieved by the following means:

- a) development will not be permitted which would prejudice the construction of cycle and pedestrian routes and bus lanes defined on the Proposals Map, unless suitable alternative routes are provided by the developer;*
- b) development will not be permitted which would reduce the convenience and safety of existing rights-of-way, bridle paths and cycle paths unless suitable alternative routes are provided by the developer;*
- c) development will only be permitted if the design makes adequate and safe provision for access by foot, cycle, public transport and vehicles so long as it's appropriate to the scale of the development and in accordance with National and County Council design standards and Somerset County Council's Highway hierarchy;*
- d) the Developer shall provide the transport infrastructure required by the development to an agreed phased programme.*

Where off-site works are required, these shall be appropriate to the scale and nature of the development and shall be funded by the developer; and

- e) development will not be permitted for proposals which would have a significant impact on the highway network without the prior submission of a Traffic Impact Assessment*

8.2.4 Appendix 1 of the formal Environmental Statement refers to, and considers the effects of the development on Traffic and Highways (Transport Assessment).

8.2.5 SCC Highways (statutory consultee) have raised no objection to the proposed development, subject to the inclusion of planning conditions as detailed in their comments.

8.2.6 In relation to highways impacts from the development it is accepted that, based on the same yearly rates of mineral extraction and processing at the site (circa 800,000 tonnes per annum), vehicle movements to and from the site would be comparable to those at present and not increase the number of HGV or other movements on the local network.

8.2.7 It is noted that the Transport Assessment (TA) does suggest that in light of local concerns regarding the 'Magic Roundabout' at the southern end of Shipham Road, CIL Contributions / S.106 Agreement monies could be allocated to improvements to the roundabout.

8.2.8 Concerns have been cited by the Sedgemoor Society who has suggested that the 263 movements per day / 71,000 per year would be excessive. In this instance it has been evidenced in the TA that the aforementioned figures are as per those

experienced at present. Knowing this, and that the traffic accident statistics at the 'magic roundabout' to do not bear correlation with the vehicle movements, together with the fact that no evidence has been put forward to explain how vehicle movements have impacted adversely on tourism activity leads to the conclusion that the extension and continuing operation would be no worse than at present and as such would not be deemed 'severe' in its impact on the local highways.

8.2.9 The request for improvements of the 'magic roundabout' as a result of this particular proposal is not supported by SCC Highways and to seek such funding through a s.106 Agreement would be considered an unreasonable imposition. Furthermore, the Construction Infrastructure Levy (CIL) cannot apply in this instance as the development as proposed is a non-publicly accessible development (being a scheme for the extension of mineral extraction activities).

8.2.10 The proposed development is not considered one that would result in there being a 'severe' impact on the Highway Network, and as such the scheme would accord with the requirements of paragraph 32 of the NPPF (which states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*) as well as policies of the SMP (principally policy DM9 of the SMP that states that *'planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements'*).

8.2.11 The reason for this position is that the Statutory Consultee on highway safety, being SCC Highways, have not objected to the proposal of highway safety grounds so implying that the use of the highway for the movement of minerals from the site would be suitably safe and would have no greater impact (or unacceptable adverse impact) on highway safety to that currently experienced.

8.2.12 Knowing that the proposed development is not considered one that would result in there being a 'severe' impact on the Highway Network the scheme would accord with the requirements of paragraph 32 of the NPPF, Policy DM9 of the Somerset Minerals Local Plan as the development would avoid causing traffic or environmental problems within the wider transport network and would not generate any direct requirement for transport improvements.

8.3. Amenity (residential and users) – Noise / Dust / Light

8.3.1 The relevant policies relating to amenity (the issues detailed above) are Policy DM8 of the Somerset Minerals Plan and Policy D16 of the Sedgemoor Core Strategy (SCS).

8.3.2 Policy DM8 reads:

Mineral operations and the protection of local amenity

Planning permission will be granted for mineral development subject to the application demonstrating:

a) that the proposed development will not generate unacceptable adverse impacts on local amenity;
b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:

- i) Vibration;*
- ii) Dust and odour;*
- iii) Noise; and*
- iv) Lighting*

c) how the applicant intends to engage with local communities during the operational life of the site.

8.3.3 Policy CNE11 reads:

POLICY D16

Development proposals that would result in the loss of land of recreational and/or amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported. Particular consideration will be given to the extent that the proposal could result in unacceptable noise and disturbance, overshadowing, overlooking and/or visual dominance.

8.3.4 A number of the objections received have stated the impact on amenity from noise, dust and light associated with the development proposed.

8.3.5 With regards noise, it is considered that subject to the attachment of appropriate and reasonable planning conditions, being that the works are to be carried out in accordance with plans / hours as submitted / decibel levels agreed; the proposed development would be acceptable on the grounds of noise and its impact on neighbouring amenity. As identified previously in this report, levels of extraction are to be the same or very comparable to current rates of mineral extraction so noise experienced would also be comparable (with the working hours and machinery being the same). In addition, as the extension would result in activities being slightly closer to previously less exposed noise sensitive receptors, planning conditions have sought to ensure decibel levels are as per those considered acceptable and detailed in the 'Night Noise Guidelines for Europe' (World Health Organisation – 2009). The planning conditions, and the decibel levels identified should ensure the lowest observed adverse effect level (LOAEL) for night noise are respected.

Such controls on noise should ensure current levels of amenity of surrounding users and residents. This is an approach that would accord with the findings of the statutory consultee on such matters who has not raised an objection on the grounds of noise / impact on amenity.

8.3.6 With regards to dust and the management of dust, the Statutory Consultee (Somerset Scientific Services) has not raised an objection, subject to the inclusion of a planning condition. In this instance, levels of dust from extraction activities would be comparable to those currently experienced (with comparable levels, methods and rates of mineral extraction), and with the appropriate scheme in place to manage dust arising from extraction, it is considered the scheme would be acceptable in this respect.

8.3.7 With regards to odours, the odour from the mineral itself is benign. Odours from the site and its activities would be limited and would not be bio or organic based (related) so resulting in the release of no offensive odours from operations. This is the same as at present.

8.3.8 In relation to light pollution, the development proposed would be extracted between the hours of 06.00 hours to 21.00 hours (Monday to Friday); 07.00 hours to 17.00 hours (Saturdays) and 07.00 hours to 13.00 hours (Sundays and Bank Holidays). During hours of darkness, within the aforementioned times, and to reflect existing planning conditions (principally condition 8(ii) of IDO/S/10/B), it is recommended that permitted development rights for the installation of additional lights where they exceed the height of existing onsite plant or normal stock fencing, are be removed. This should ensure light spill from the site to the surrounding area is maintained at acceptable levels.

8.3.9 In light of the above it is not considered reasonable to recommend refusal on the grounds of impact on amenity as the matters can be controlled by way of planning conditions and as such would accord with Policy DM8 of the Somerset Minerals Plan and Policy D16 of the Sedgemoor District Local Plan as the development would seek to offset perceived effects on the residents nearest the Northern Extension area with restricted working hours and decibel level limits, so limiting effects from on-site activities to acceptable levels.

In addition, the proposed development would also be carried out in accordance with submitted schemes as identified as appropriate to suppress dust and minimise noise emissions to acceptable levels, with no external artificial light to be used.

8.4. Visual and Landscape Character Impact on the AONB (this is a good title for the bullets in Summary and the start of your section)

8.4.1 The site is within a nationally important designated landscape and due regard must be given to potential impacts upon the AONB when determining this application. The relevant policies relating to visual/landscape impact are Policy DM1 of the Somerset Minerals Plan and Development Plan Policy D14 of the Sedgemoor Core Strategy.

8.4.2 Policy DM1 reads:

Landscape and visual amenity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and*
- b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.*

All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally.

National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Proposals for mineral development within or adjacent to an Area of Outstanding Natural Beauty will need to take full account of the relevant AONB Management Plan; and proposals within or adjacent to Exmoor National Park will need to take full account of the Exmoor National Park Local Plan.

8.4.3 Policy D14 reads:

Natural Environment

Landscape

Development proposals within the Mendip Hills AONB or the Quantock Hills AONB will only be supported where they enhance or conserve the natural beauty, or the exceptional character or quality of the landscape in these areas.

Elsewhere in the District 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 as identified in the Sedgemoor Landscape Assessment and Countryside Design Summary. In particular through:

- Siting and landscaping that takes account of visibility from publicly accessible vantage points;*
- The form, bulk and design of buildings having proper regard to their context in respect of both the immediate setting and the defining characteristics of the wider local area.*

Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse impact on the landscape, the Council will require planning applications to be supported by Landscape and Visual Impact Assessments.

In exceptional circumstances, where development is necessary and could result in significant impact on the landscape, appropriate mitigation and compensation measures should be provided.

Biodiversity

All development proposals should contribute to enhancing and maintaining biodiversity, taking into account climate change and the need for habitats and species to adapt to it. Particular regard should be had to:

- *The targets set out in the Somerset and Sedgemoor Biodiversity Action Plans;*
- *The presence of, or potential impact on, European Protected Species;*
- *Potential impact on internationally and nationally designated sites of nature conservation importance; and*
- *Enhancement opportunities within the Strategic Nature Areas identified in the South West Nature Map.*

Ecological Impact Assessments will be required where it is reasonably likely that species and/or habitats of nature conservation significance may be impacted on by the proposed development.

In addition, a Construction Environmental Management Plan will be required where there is potential for significant environmental effects during the construction stage.

Development will be supported where:

- *As well as ensuring the protection of internationally and nationally designated sites, it protects the nature conservation interest of local sites designated for their nature conservation value;*
- *It retains or enhances features such as wetlands, watercourses, coastal features, hedgerows, trees, copses and ponds which provide wildlife corridors, links or stepping stones from one habitat to another; and*
- *It makes positive provision for wildlife through appropriate urban and rural habitat creation/restoration (having particular regard to BAP habitats and Strategic Nature Areas), including tree and hedgerow planting, and subsequent management.*

In exceptional circumstances, where development is necessary and could result in significant indirect or direct adverse impacts to nature conservation appropriate mitigation and compensation measures should be provided.

8.4.4 It is accepted that development by its very nature often results in change in one form or another. What needs to be considered is whether the scale of change is commensurate to the location, and if that is acceptable in planning terms.

8.4.5 In this case a number of objections raised have cited the impact the development would have on the Mendip Hills Area of Outstanding Natural Beauty (the AONB). At a national level paragraph 115 of the NPPF states that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important

considerations in all these areas, and should be given great weight in National Parks and the Broads.

8.4.6 In addition to the above, the three tests as detailed in paragraph 116 of the NPPF need to be considered. They read as follows:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

All three tests need to be met if a development is going to be acceptable in planning terms. In addition whilst a scheme could demonstrate accordance with the three elements it does not immediately indicate that permission should be granted; however, from a landscape perspective, it is an important part of the planning consideration of the proposal. There is reference to 'exceptional circumstance' relating to development in an AONB, but this is not defined by the NPPF. Without a clear direction the exceptional nature of development is a matter for planning judgement.

In addition to the above the scheme needs to demonstrate that it is in the public interest. As with 'exceptional circumstances' it is noted that the NPPF provides not definition as to what qualifies as a development that could be in the public interest, and therefore a planning judgement will be applied to assess this.

The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way

8.4.7 For consideration in the first instance is that the site is active, and there are known reserves still available at the quarry. The site has existing infrastructure in place and has been a part of the landscape for a period of time.

8.4.8 The scope for creating a comparable (and new) quarry to meet local need and access the available mineral either inside or outside the AONB, would be potentially constrained by land ownership, other environmental designations / implications, and potentially greater concentrations of people near such a site, and the presence of the resource and its viability, and geological constraints. The cost associated with the provision of a comparable site cannot be reasonably quantified as such a question introduces a number of unknown variables (including availability of a transferable workforce; infrastructure costs; highways impacts; and other designation mitigation (this is not an exhaustive list)).

8.4.9 In this case the costing of a hypothetical alternative site, when the current site has known reserves that need to be safeguarded and exploited for future generations, is deemed to be one with an unknown cost (socially, economically and environmentally).

8.4.10 In terms of scope, whilst it could be technically possible to deliver a comparable site, whether the addition of a new quarry in this area would be acceptable depends on the location of an alternative site of similar output capacity as each case must be considered on its own merits and the particular characteristics of that location.

8.4.11 Were the need for mineral demand from alternative locations to result due to the refusal of this planning application there could be output demands from other, similar quarries. This in turn could have environmental impacts with possible diversions of labour (assuming the existing quarry couldn't meet demand and there being an increase at other individual quarries to accommodate the demand), and the existing quarry being 'mothballed' which could in turn effect the economic viability of the quarry to re-open in the future.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

8.4.12 In this case consideration of the Mendip Hills AONB Management Plan is required (as prescribed by Policy DM1 of the SMP), as well as the relevant paragraphs in the NPPF.

8.4.13 The aforementioned management plan acknowledges quarrying is an important part of the Mendip economy, with specific reference given to Callow Rock quarry (section 3.6.11 of the Mendip Hills AONB Management Plan (2013)).

8.4.14 In terms of effects on the environment, landscape and recreational opportunities, subject to delivery of the mitigation as recommended (by planning condition and / or Section 106 Agreement as stipulated in comments received from Statutory Consultees) it is considered the development would be acceptable as described elsewhere in this report, with temporary footpath diversions and enhanced final, new, footpaths; protected grassland ecological networks, improved biodiversity / habitats (on final restoration), and screening of the development from potentially sensitive receptors (notably to the north west of the site).

How the scheme is in the public interest

8.4.15 As with 'National Consideration', the NPPF does not define 'Public Interest'.

To consider this element, the literal definition is applied, being as follows:

Public – *of or concerning the people as a whole*

Interest – *a stake or involvement in an undertaking*

In essence it is considered the meaning of 'Public Interest' is as follows:

The stake of (or benefit to) the people.

In this case the continuation of direct and indirect employment, and associated benefits, together with the mitigation to the environment and the continued delivery of publicly accessible rights of way are such that the scheme would, on balance, be in the public interest.

In light of the above, and as evidenced in this recommendation, it is considered that the proposed development would meet the criteria of paragraph 116 of the NPPF as it could be reasonably argued that the fact that the quarry is already in existence and does (and would continue to) contribute to the local economy (and be in the public interest) and proposed mitigation would offset the harm and identify the circumstances as being suitably exceptional (although it is acknowledged there is no legal benchmark for what qualifies as exceptional circumstances).

8.4.20 Further to (and in support of) the above, the submitted information with the planning application (being the Landscape and Visual Impact Assessment Covering Statement) states that:

Effects on Landscape Character

6.25 During operational stage the magnitude of effect on this landscape character area at the local or parish scale would be low. In the context of existing and consented development this is a landscape of medium sensitivity and operations would result in an overall effect of moderate to slight significance in the short to medium term. The nature of effect would be moderately adverse. Following restoration, the magnitude of the effect in the long term would likely remain low or very low given the presence of similar consented features in the locality, resulting in an effect of moderate to slight significance in the long term. The long term nature of the effect would remain moderately adverse.

6.26 There would be no significant effects on local landscape features caused by extending Callow Quarry. Existing attractive landscape features would be retained intact and views towards them would remain unaffected.

6.27 There would occur very low levels of effect associated with the cultural heritage and tranquillity. No significant effects would occur in relation to other aspects of landscape value.

Effects on Visual Amenity

6.28 The predicted highest levels of adverse effect would occur in close proximity to the extension site and relate to the mitigation measures themselves rather than quarry development. The effects would be highly localised and likely to become broadly neutral in nature in the long term.

6.29 Potential adverse effects on visual amenity within the wider landscape would be reduced to slight to imperceptible or negligible levels assuming adoption of the mitigating measures.

Cumulative Effects

6.30 *Potential cumulative effects relate to the proposed extension at Callow Quarry and the proposed re-commencement of working consented reserves at Shipham Quarry. Consented development would affect an additional area to the north east - on Black Down, coincident with an area affected by existing development at Callow Quarry. Whilst there would occur a highly localised cumulative effect caused by consented development, there would be no significant cumulative effects caused by proposed development.*

8.4.21 Comments received from consultees / members of the public have suggested the scale of development would have an unacceptable impact on the AONB.

8.4.22 To consider this impact matter, SCC appointed an independent Landscape Consultant to consider the scheme and submitted LVIA.

8.4.23 The appointed Consultant did not raise an objection to the proposal. The summary of findings from the Landscape Consultant contained in their formal report stated that:

“5.1 The LVIA and supporting information to accompany the planning application follows the appropriate guidance of relevance to landscape and visual assessment and forms a thorough and comprehensive assessment of the existing situation and the potential effects of the proposed development, including on the nationally important AONB.

5.2 Although it is acknowledged that the proposed development will affect the landscape and views from a few close proximity receptors, these relatively limited effects will be acceptable, particularly with the implementation and long-term and continued management of the proposed landscape mitigation measures.

5.3 The key issue in relation to the proposed development is the potential influence on the nationally recognised AONB. It is acknowledged, that due to the proposed development’s location, that the extension to the existing quarry will influence the setting of the AONB. However, these effects will be relatively limited provided the mitigation measures prior to excavation, during working and following completion are followed. In addition, the location of the proposed development adjacent to an existing working quarry, within a landscape currently and historically influenced by quarrying activity, will not significantly increase the effects on the wider landscape character, selected views or the setting of the AONB.”

The Landscape Consultant also stated:

“6.1 It is recommended that if the proposed development is granted planning permission, the following conditions should be applied:

- *No development shall take place until details of the proposed landscape mitigation measures be provided, including a programme of works;*
- *Details of all soft landscape works should be provided including a programme for implementation and long-term management through the life of the quarrying activities and following the completion of quarrying activities;*

- *Details on subsoil and topsoil stripping should be provided including location and method of storage before construction of the mitigation bunds/screening landform to the north, east and west of the extension area;*
- *Details on the minimum dimensions of the mitigation bunds/screening landform should be provided including details of any soft landscape works, such as planting and seeding;*
- *Details on the ‘look-out’ point/viewing platform and interpretation boards should be provided;*
- *Details on the area of hardstanding to provide a local car parking facility and connection to the footpath network should be provided.”*

8.4.24 In addition to the identified policies, the NPPF states that, in paragraph 144 in relation to minerals, that:

“When determining planning applications, local planning authorities should:

- *give great weight to the benefits of the mineral extraction”*

8.4.25 The NPPF also states in paragraph 115 in relation to AONB’s, that:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

8.4.26 From the comments received from qualified professionals in relation to the LVIA and potential impact on the AONB, as well as the proposed mitigations included within the application, the visual impact from the development on the AONB can be considered acceptable (subject to full accordance with proposed planning conditions relating to landscaping and maintenance). It is not considered that the long term visual impact would be so negative as to warrant a recommendation of refusal on visual impacts grounds, and as such amount to “conserving” the existing character of the area. As such, subject to full extraction and restoration in accordance with the plans as submitted (and requirements stipulated in planning conditions), it is not considered reasonable to recommend refusal on the grounds of visual impact or landscape character impact.

8.4.27 Cumulative impact of the development of Callow Rock Quarry with Shipham Hill Quarry also needs consideration.

8.4.28 In this case, the applicant has stated that the extension of Callow Rock Quarry would be worked out before the recommencement of extraction operations at Shipham Hill Quarry. The extension area of Callow Rock Quarry would take circa 38 years (being additional life of the quarry). This would take operations / extraction at Callow Rock Quarry through to 2056.

8.4.29 The ES states that mineral extraction at Shipham Hill Quarry expires in 2042 (further evidenced in Review of Mineral Permission (ROMP) SCC Reference: 1/17/98/012).

8.4.30 Knowing the main concern relating to cumulative impact is when Callow Rock Quarry and Shipham Hill Quarry are seen in context together, the fact that extraction operations from Shipham Hill Quarry will cease for the duration of extraction at Callow Rock Quarry, and that permission for Shipham Hill Quarry will be needed for future extraction from 2042 onwards (before the 2056 end date of operations at Callow Rock Quarry), ensures a degree of control is retained by the Mineral Planning Authority as to future visual, cumulative impacts.

8.4.31 Therefore on balance, with the proposed mitigation and consideration of the NPPF's requirements and local policies, it is considered the delivery of minerals from an extended Callow Rock Quarry can be acceptable from a visual perspective subject to planning conditions that ensure it accords with Policies D14 of the Sedgemoor Core Strategy and DM1 of the Somerset Minerals Plan, as well as paragraphs 115 and 116 of the NPPF. The development would not generate unacceptable adverse visual impacts or loss of character, and it is considered the restoration and phased working / proposed mitigation would suitably assimilate the extended quarry into the wider area in the medium to long term.

8.5. Ecology

8.5.1 The relevant Development Plan policies relating to ecology are Policies DM2 and DM7 of the Somerset Minerals Plan and Policy D14 of the Sedgemoor Core Strategy.

8.5.2 Policies DM2 and DM7 read:

DM2 Biodiversity and Geodiversity

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity; and*
- b) measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity.*

Such measures shall ensure a net gain in biodiversity where possible. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.

The weight of protection given to a site will be that afforded by its statutory or non-statutory designation, its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.

A 'test of likely significance' will be required for mineral development proposed which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites.

DM7 Restoration and Aftercare

Planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which:

- a) clearly state how the criteria in the reclamation checklist (Table 7) have been met; and*
- b) include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site.*

Restoration proposals will be subject to a five year period of aftercare. Where proposals require a longer period of management, the proposal will only be permitted if it includes details of how this will be achieved.

8.5.3 Policy D14 reads:

Biodiversity

All development proposals should contribute to enhancing and maintaining biodiversity, taking into account climate change and the need for habitats and species to adapt to it. Particular regard should be had to:

- The targets set out in the Somerset and Sedgemoor Biodiversity Action Plans;*
- The presence of, or potential impact on, European Protected Species;*
- Potential impact on internationally and nationally designated sites of nature conservation importance; and*
- Enhancement opportunities within the Strategic Nature Areas identified in the South West Nature Map.*

Ecological Impact Assessments will be required where it is reasonably likely that species and/or habitats of nature conservation significance may be impacted on by the proposed development.

In addition, a Construction Environmental Management Plan will be required where there is potential for significant environmental effects during the construction stage. Development will be supported where:

- As well as ensuring the protection of internationally and nationally designated sites, it protects the nature conservation interest of local sites designated for their nature conservation value;*
- It retains or enhances features such as wetlands, watercourses, coastal features, hedgerows, trees, copses and ponds which provide wildlife corridors, links or stepping stones from one habitat to another; and*
- It makes positive provision for wildlife through appropriate urban and rural habitat creation/restoration (having particular regard to BAP habitats and*

Strategic Nature Areas), including tree and hedgerow planting, and subsequent management.

In exceptional circumstances, where development is necessary and could result in significant indirect or direct adverse impacts to nature conservation appropriate mitigation and compensation measures should be provided.

8.5.4 Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).

8.5.5 In this instance the site doesn't have a statutory designation constraint relating to ecology. It is noted that the site is immediately adjacent to the Callow Drove Fields Local Wildlife Site (LWS).

8.5.6 In this instance, concerns as to the loss of land that would contribute to the Grassland Ecological Network (GEN) has been flagged by the SCC Ecologist and other non-statutory consultees. Following discussions with the applicant / agent, the provision of the fields to the east and west of Drove Farm, and their retention in High Level Stewardship, are deemed sufficient to mitigate for the loss of the fields that could form part of the GEN and that these fields should be detailed in a Section 106 Agreement to ensure the longevity and delivery of this part of the GEN.

8.5.7 Knowing that there would be no complete loss at any one time during extraction operations of identified habitat, and that the final restoration of the scheme should result in biodiversity enhancement (comparable to that currently in situ) it is considered that, subject to planning conditions, the scheme would accord with Policies DM2 and DM7 of the Somerset Minerals Plan and Policy D14 of the Sedgemoor Core Strategy. The reasoning for this position is that SCC Ecology have suggested that, with the provision of a Landscape and Ecology Management Plan (which would include appropriate restoration and aftercare), impacts on protected species / the GEN would be managed to acceptable levels, and compensation for impacts can be secured.

8.6. Water Management (ground water / surface water)

8.6.1 The relevant Development Plan policies relating to water management are Policy DM4 of the Somerset Minerals Plan, Policies S3 and D16 of the Sedgemoor Core Strategy and Policy CNE16 of the Sedgemoor District Local Plan.

8.6.2 Policy DM4 reads:

Water Resources and Flood Risk

Planning permission for mineral development will be granted subject to the application demonstrating that the proposed development will not have an unacceptable adverse impact on:

a) the future use of the water resource, including:

- i. the integrity and function of the land drainage and water level management systems;
 - ii. the quality of any ground or surface water resource, where the risk of pollution and/or adverse impact on the resource would be unacceptable;
- b) the environmental value and visual amenity of the water resource; and
c) drainage and flood risk to people, property or business

With regards to water flows, both subterranean and surface water, the Statutory Consultees have not objected to the proposals on the impacts on effects on water bodies or water flows (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions).

8.6.3 Policies S3, D16 and CNE16 read:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

- *Mitigating the causes of climate change and adapting to those impacts that are unavoidable;*
- *Prioritise where appropriate the reuse of previously developed land and buildings within existing settlements and then at the most sustainable locations on the edge of the identified settlements in accordance with the Spatial Strategy (Policy S1: Spatial Strategy for Sedgemoor);*
- *Promote greater self-containment of settlements by contributing to communities that are supported by adequate services, cultural, sporting and leisure activities, a diverse range of employment opportunities, physical and social infrastructure and transport options whilst taking into account flood risk;*
- *Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by alternative modes of travel including maximising opportunities or walking, cycling and the use of public transport;*
- *Provide opportunities where relevant for housing to meet the needs of local people;*
- *The creation of locally distinctive, well designed, healthy, safe, and accessible neighbourhoods that empower and support inclusive and vibrant communities*
- *A vibrant, diverse and responsive local economy that supports investment and regeneration of our towns and rural settlements*
- *Raising the aspirations, skills and achievements of young people and adults through accessibility education, training, local employment and housing*
- *Minimise the impact on natural resources, avoid pollution and incorporate the principles of sustainable construction to contribute to energy efficiency, renewable energy, waste reduction/recycling, the use of sustainably sourced materials, sustainable drainage, reduced water use, water quality and soil protection;*

- *Maximise opportunities for local food production and farming by avoiding best and most versatile agricultural land where possible, taking into account other sustainability considerations; and*
- *Protect and enhance the quality of the natural, built and historic environment improving their understanding, appreciation and sustainable use.*

POLICY D16

Pollution Impact of Development

Development proposals that are likely to result in levels of air, noise, light or water pollution (including groundwater), vibration or soil contamination 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 relating to:

- *Air pollution;*
- *Noise pollution and/or vibration;*
- *Light pollution;*
- *Carbon Emissions;*
- *Contaminated Land/soil;*
- *Waste;*
- *Water pollution;*
- *Odour; and*
- *Any other sources.*

POLICY CNE16

Development will not be permitted within a defined Groundwater Source Protection Zone or on a major or minor aquifer unless safeguards are provided against the possible contamination of groundwater and/or interference with groundwater flows and levels.

8.6.4 Although no objections have been received that cite concerns relating to ground or surface water flows it is still necessary to give this element of the scheme due consideration.

8.6.5 With regards to water flows the Statutory Consultees have not objected to the proposals on the impacts on effects on water bodies or water flows – surface or subterranean (the Lead Flood Authority raising no objection, and the Environment Agency not raising an objection, subject to the inclusion of planning conditions). With no demonstrable impacts on water flows or qualities the assertion that there would be benign effects is concurred with in this instance.

8.6.6 In this instance it is considered the proposed development accords with Policies S3 and D16 of the Sedgemoor Core Strategy, CNE16 of the Sedgemoor District Local Plan and Policy DM4 of the Somerset Minerals Local Plan and as such,

subject to the development being carried out in accordance with the submitted details and planning conditions, it is not considered the scheme would be to the detriment of surface or ground water flows and would not impact on water quality to or from the site.

8.7. Archaeology

8.7.1 The relevant Development Plan policies relating to archaeology are Policy DM3 of the Somerset Minerals Plan and Policy D17 of the Sedgemoor Core Strategy.

8.7.2 Policy DM3 reads:

Historic Environment

Planning permission for mineral development will be granted subject to the application demonstrating that:

- a) the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or impacts have been identified, these can be adequately mitigated; and*
- b) for proposals that impact on the integrity, character or setting of a heritage asset, impacts have been adequately considered by desk-based assessment and field evaluation and with reference to the Somerset Historic Environment Record and the records of designated heritage assets held by English Heritage; and*
- c) adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist, and the recording of relevant information to advance understanding of the asset.*

The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).

Policy D17 reads:

Historic Environment

All development proposals should contribute to enhancing and maintaining the historic environment, ensuring a continued role in distinguishing the District's unique sense of identity and place. In all cases proposals should take into account the need for buildings and landscape (including archaeological remains, battlefields and historic parks and gardens) to adapt to climate change and the positive contribution heritage makes to regeneration. Where development is proposed within the vicinity of historical assets (including archaeological sites) the Council will support schemes that promote management, interpretation and improved public access.

Development will be supported where it proposes:

- Appropriate design, including contemporary solutions which positively enhance the character and quality of conservation areas;*
- The development of local skills and crafts relevant to the historic environment;*

- *A viable use for listed buildings, consistent with their historic character, with a clear presumption against their demolition;*
- *An emphasis on the importance of the setting of listed buildings and other historic assets, and;*
- *Appropriate energy efficiency measures where the principles of minimum intervention and reversibility are adopted.*

8.7.3 No objections have been received on heritage (archaeology) grounds to the proposed development. It is noted that the County Archaeologist and SW Heritage stated that as far as they were aware there are limited or no archaeological implications to this proposal and that on the basis of this information they were content that the proposed quarry extension would not have any negative impact on the built historic environment of this area.

8.7.4 Knowing the above it is considered the scheme accords with the requirements of Policy DM3 of the Somerset Minerals Local Plan and Policy D17 of the Sedgemoor Core Strategy as the development would not result in loss of, or harm to unidentified heritage assets on or near the site. Knowing the distance of separation from listed buildings and identified heritage assets, these views are concurred with.

8.8 Agricultural Land Classification (ALC) / Loss of Agricultural Land:

8.8.1 The land identified as the Northern Extension is Grade 3 Agricultural Land.

8.8.2 In this instance the guidance detailed in paragraph 112 of the NPPF needs to be considered.

8.8.3 Paragraph 112 reads:

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

8.8.4 In this instance, with the delivery of minerals being given 'great weight' in deliberations (as prescribed in paragraph 144 of the NPPF) it is considered that the loss of Grade 3 Agricultural Land is considered acceptable as the delivery of minerals (and their associated benefits) would carry more weight in planning deliberations and balance than the retention of lower grade agricultural land.

8.8.5 Therefore it is considered the proposed development is acceptable in terms of the benefit gained from the delivery of minerals over the loss of this medium grade quality agricultural land, and as such the planning application can be supported from this perspective as it would accord with paragraphs 112 and 143 of the NPPF (in that poorer quality agricultural land would be used, and that the use of the land would be returned to biodiversity / recreational use once extraction is complete).

8.8.6 It is accepted the development proposed would by its nature result in the loss of Grade 3 agricultural land, for the period of time needed to complete the extraction as identified.

8.8.7 It is also noted that the land identified as being lost is in the ownership of the applicant and as such the rights of use of that land by those wishing to farm the fields is also within the control of the applicant.

8.8.8 In this instance policy S3 of the Sedgemoor Core Strategy needs to be considered. It reads:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

- *Maximise opportunities for local food production and farming by avoiding best and most versatile agricultural land where possible, taking into account other sustainability considerations*

8.8.9 Although the loss of the fields could result in a degree of disruption to business operations, the land would in general be returned to biodiversity / recreational use, which with the weight to be applied by way of paragraph 144 of the NPPF for the extraction of minerals and the benefits this brings, the environmental end use and mineral delivered is considered sufficient to justify the loss of the Grade 3 Agricultural Land in this instance, and accord with policy S3.

8.8.10 As the land is in the ownership of the applicant, the land identified would be rented and any financial loss over the time period of extraction is considered in this instance would be a civil matter between the land owner and the tenant farmer.

8.9. Public Rights of Way (PRoW)

8.9.1 The site proposed Northern Extension would affect the existing PRoW (footpath). In this instance the SCC Public Rights of Way Service has not objected to the proposed development on potential impacts to the PRoW or the users' amenity of the PRoW.

8.9.2 The relevant policy in this instance is Policies S3, D9 and D10 of the Sedgemoor Core Strategy and Policy DM6 of the Somerset Minerals Plan, which read:

POLICY S3

Sustainable Development Principles

Development proposals will be supported where they contribute to meeting all of the relevant following objectives:

Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by alternative modes of travel including maximising opportunities for walking, cycling and the use of public transport.

POLICY D9

Sustainable Transport and Movement

Travel management schemes and development proposals that reduce congestion, encourage an improved and integrated transport network and allow for a wide choice of modes of transport as a means of access to jobs, homes, leisure and recreation, services and facilities will be encouraged and supported.

Proposals will:

- Enhance road and personal safety;*
- Enhance the facilities for pedestrians, cyclists, those with reduced mobility and other users*

POLICY D10

Managing the Transport Impacts of Development

Development proposals that will have a significant transport impact should:

- Ensure provision is made for inclusive, safe and convenient access for pedestrians, people with disabilities, cyclists and users of public transport that addresses the needs of all;*
- Enhance and develop rights-of-way as a means of managing transport impacts of development and should not reduce the convenience and safety of existing rights-of-ways, bridle paths and cycle paths, unless suitable alternative routes are provided*

POLICY DM6

Public Rights of Way

Proposals for mineral development that have the potential to impact on the rights of way network in Somerset will need to demonstrate how the affected part of the network or any alternative route will be managed and maintained. Where proposals are likely to have an unacceptable adverse impact on the rights of way network, the applicant must provide a satisfactory, authorised replacement route (either temporary or permanent).

Authorised diversion routes must meet the relevant criteria, be fit for purpose and easily accessible, without causing significant disturbance to wildlife. If temporary, the original right of way shall be reinstated as soon as is practicable. If permanent diversion is required this shall seek to improve on and enhance the original public right of way.

8.9.3 The response has identified the obligation on the land owner to ensure the affected PRow is diverted in accordance with the requirements of the Town and Country Planning Act 1990 (as amended).

8.9.4 In this instance, alternative permanent routes and enhancements to the PRow are proposed (formalising the change is to be secured via an Order subject to section 257 of the Town and Country Planning Act 1990 (as amended)). An application for the diversion of the PRow has already been received.

8.9.5 Knowing the above, and that the diversion of the identified PRow would fall under a separate regulatory process it is considered acceptable to support the proposal in relation to PRow from a planning perspective, as impacts on amenity would be temporary (for the period of development), the alternative route would be acceptable and would ensure subsequent amenity is enhanced (with delivery of the alternative route, with associated planting / landscaping). For these reasons it is considered the scheme would accord with Policy DM6 of the Somerset Minerals Plan and Policies S3, D9 and D10 of the Sedgemoor Core Strategy as the proposal would seek to minimise any negative effect from the loss of the PRow with its (the PRow) diversion.

As identified in the comments received from SCC PRow, an application for the Definitive Map Modification Order has been received by SCC and that that is a separate regulatory process that needs to be completed by the applicant.

This has been clarified by SCC PRow who have requested the following comments be noted:

'No development shall take place until application 820M to upgrade public footpath AX 13/7 to bridleway has been determined and any order confirmed beyond legal challenge to the satisfaction of the Surveying Authority, and any subsequent order to divert public rights has been made and confirmed beyond legal challenge to the satisfaction of the Local Planning Authority and Highway Authority.'

8.10 Blast Vibration

8.10.1 Although no objections have been received directly relating to blasting, Policy DM8 of the Somerset Minerals Plan is relevant and needs to be considered. It reads:

Planning permission will be granted for mineral development subject to the application demonstrating:

- (a) that the proposed development will not generate unacceptable adverse impacts on local amenity;*
- (b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:*
 - (i) Vibration;*
 - (ii) Dust and odour;*
 - (iii) Noise; and*

(iv) *Lighting*

(c) *how the applicant intends to engage with local communities during the operational life of the site.*

8.10.2 In relation to adopted policy, the scheme does accord with supporting text. Table 5 of the Somerset Minerals Plan states that for higher output quarries (those producing in excess of 250,000 tonnes per annum), a buffer zone of 400 metres from source would be expected. It is noted that such a buffer width is not detailed in adopted policy.

8.10.3 In this instance, in relation to blast operations, it is noted that 'Shot Firers' (those responsible for the design, construction and firing of explosive shots) and their required work practices are detailed in the Quarry Regulations 1999 and are regulated by the Health and Safety Executive who have the power to close down quarry operations where and when they deem it appropriate (it is noted that there are powers available to the Health and Safety Executive under Section 20 of the Health and Safety at Work Act 1974 to serve Prohibition Notices which can stop unsafe practices). To propose conditions that would overlap the existing powers available to other regulatory bodies would be contrary to the tests of reasonableness as detailed in Planning Practice Guidance notes (NPPG).

8.10.4 In this case, and to ensure compliance with the NPPG, appropriate conditions can be attached addressing blasting and vibration as well as being in accordance with British Standard (BS) 6472-2:2008 (Guide to evaluation of human exposure to vibration of buildings); BS 7385-2:1993 (Evaluation and measurement of vibration in buildings – Guide to damage levels from ground borne vibration); BS 7385-1:1990 (Evaluation and measurement for vibration in buildings – Guide for measurements of vibrations and evaluation of their effects on buildings) and would ensure compliance with Policy DM8 of the Somerset Minerals Plan.

9. Planning Balance

9.1 In relation to the delivery of minerals, the NPPF states in paragraph 144 that:

... Local Planning Authorities should ... give great weight to the benefits of the mineral extraction, including to the economy.

9.2 The site is in the Mendip Hills AONB (a statutory designation constraint directly applicable). However the water management / land stability / ecology / PRoW / Highways / Visual Impact / loss of agricultural land can be acceptable subject to suitable conditions and a legal agreement, as the benefits of mineral extraction together with the proposed mitigation to offset visual impacts and habitat loss, and the retention of existing staff levels (and the associated economic and social benefits that entails), as well as a final biodiversity enhancement, are considered suitable and ensure that the scheme would be acceptable on balance and should be supported.

9.3 In summary, the continued quarrying at this site in this instance, could be construed as the site having or being in an 'exceptional circumstance', sufficient to

justify support and accordance with paragraphs 115 and 116 of the NPPF for the following reasons:

- The proposed development would use existing on site infrastructure, without the need for new potentially intrusive infrastructure and impacts elsewhere potentially in the AONB, because of the locational constraints of where the mineral resource is naturally found;
- The delayed recommencement of activity at the adjacent Shipham Hill Quarry, secured by the S.106 legal agreement;
- Negligible effects on recreation activities or ecologically sensitive areas and a benign visual/landscape character impact on the AONB taking into account proposed mitigation;
- A viable and tangible contribution to the expected crushed rock output from Somerset;
- Continued input into the micro and wider macro economy.

9.4 Consequently, as required by the NPPF, consideration and justification of the proposal's accordance with paragraph 116 has been demonstrated, such that the scheme is considered acceptable in terms of effect on the AONB.

10. Recommendation:

It is recommended that planning permission be GRANTED subject to:

- a) the imposition of the conditions in section 10 of this report; and,**
- b) the signing of a Section 106 Legal Agreement to include the following:**

- **The securing and delivery of compensatory land for the Grassland Ecological Network (GEN) to provide alternative GEN land for that which would be lost as a result of this development;**
- **To ensure the adjacent reserves identified as / written agreement that no extraction of mineral reserves are to take place at Shipham Hill Quarry to the east of Callow Rock Quarry for the duration of extraction at Callow Rock Quarry),**

And that authority to undertake any minor non-material editing, which may be necessary to the wording of those planning conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

1. Duration of Development

The permission shall be limited to a period expiring on 21 February 2067, with all site restoration to be completed within the subsequent 12 months, and all restoration and landscaping to be the subject of a 5 year aftercare programme.

Reason: For the avoidance of doubt as to the permitted duration of the development and in order to ensure the timely completion and restoration of the site.

2. Notification of implementation of permission

The Mineral Planning Authority shall be notified of the date of implementation of this permission in writing within 14 days of such implementation having occurred.

Reason: To enable the Mineral Planning Authority to ensure the effective monitoring of the development.

3. Completion in accordance with the approved details

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications detailed below.

Plans Schedule:

PLAN Site Location 2443-4-1-DR-0001-S5-P1
PLAN Proposed Restoration 2443-4-1-DR-0004-S5-P3
PLAN Proposed Footpath Diversion 2443-4-4-5-DR-0002-S5-P1
PLAN Phase 4 2443-4-1-DR-0013-S5-P1
PLAN Phase 3 2443-4-1-DR-0012-S5-P1
PLAN Phase 2 2443-4-1-DR-0011-S5-P1
PLAN Phase 1 2443-4-1-DR-0010-S5-P1
PLAN Fence Detail 2443-4-4-5-DR-0003-S5-P1
PLAN Initial Works 2443-4-1-DR-0009-S5-P1
PLAN Existing Conditions 2443-4-1-DR-0006-S5-P2
PLAN Exhibition Photomontage 2443-4-1-2-VS-0002-S3
PLAN Exhibition Phasing and Restoration 2443-4-1-DR-0014-S5-P1
PLAN Exhibition Location Plan 2443-4-1-DR-0016-S5-P1
PLAN Exhibition Existing Conditions 2443-4-1-DR-0015-S5-P1
PLAN Exhibition Cross Sections 2443-4-1-DR-0017-S5-P1
ES PLAN 2443-4-4-5-DR-0003-S5-P1_Fence Detail
ES PLAN 2443-4-4-5-DR-0002-S5-P1_Proposed Footpath Diversion
ES PLAN 2443-4-1-DR-0013-S5-P1_Phase 4
ES PLAN 2443-4-1-DR-0012-S5-P1_Phase 3
ES PLAN 2443-4-1-DR-0011-S5-P1_Phase 2
ES PLAN 2443-4-1-DR-0010-S5-P1_Phase 1
ES PLAN 2443-4-1-DR-0009-S5-P1_Initial Works
ES PLAN 2443-4-1-DR-0006-S5-P2_Existing Conditions
ES PLAN 2443-4-1-DR-0004-S5-P3_Proposed Restoration
ES PLAN 2443-4-1-DR-0001-S5-P1-Site Location

Document Schedule:

ES EclA CALLOW ROCK NOV 2016
ES EclA CALLOW ROCK APPENDICES Horseshoe bats NOV 2016
ES EclA INVERTEBRATE SURVEY NOV 2016
ES EclA INVERTEBRATE SURVEY APPENDICES 2016
ES EclA BAT SURVEY OCT 2016
ES APPX6 AIR QUALITY Assessment
ES APPX2 LVIA as full document including all plans and appendices

ES APPX1 TRANSPT Main Text Figures AECOM TA Part 1 of 2
ES APPX1 TRANSPT Appendices B to E AECOM TA Part 2 of 2
ES APPX 9 Agriculture and Soils (Callow Quarry)
ES APPX 8 Callow Archaeology
ES APPX 8 Arch Appendix3
ES APPX 8 Arch Appendix2
ES APPX 8 Arch Appendix 1
ES APPX 7 Hydrology, Hydrogeology and FRA v2
ES APPX 5 Callow Rock Blast Vibration Impact Assessment v2
ES APPX 4 Callow Rock Noise Impact Assessment v3
ENVIRONMENTAL STATEMENT main document
ADVANCE ENVIRONMENT 'Report on the Potential Impact of Dust from the Proposed Northern Extension to Mineral Extraction Operations at Aggregate Industries UK Limited Callow Rock Quarry Cheddar Somerset' (Dust Control)

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

4. General Development Order

Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order).

- (i) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced without the prior written consent of the Mineral Planning Authority;
- (ii) no additional lights except below the height of the plant or fences, except normal stock fencing, shall be installed or erected unless details of them have been submitted to, and approved in writing by, the Mineral Planning Authority;
- (iii) no non-quarry waste materials shall be deposited except on the quarry floor or in the locations shown on the approved plans without the prior written consent of the Mineral Planning Authority.

Reason: To protect the overall amenities of the residents and users of the local area.

5. Output

From the date of the commencement of the development hereby permitted, the output from the development hereby permitted, when combined with the output from the rest of the quarry site, shall not exceed 6.5 million tonnes over any period of 60 calendar months after the first day of the month following the notified date of implementation (as required by planning condition).

Reason: In the interests of the amenity of the neighbourhood in relation to traffic noise.

6. Records of output

The operators shall maintain records of the monthly sales from the entirety of the quarry site and shall make them available to the MPA on a confidential basis within 10 working days of written request. The sales records shall be kept by the operators for at least 60 months.

Reason: To allow the Mineral Planning Authority to adequately monitor condition 5 (output).

7. Access to Geological Interest

The operator shall, with reasonable prior notice, allow any bona fide geologist or geological group access to the application area at all reasonable times subject to safe access being available and shall allow them to observe and record items of interests and finds.

Reason: In the interests of geological science and education.

8. Hours of Operation

Processing operations (including primary crushing, primary screening) and face working operations (including drilling or the loading of dump trucks at the face) shall, in the absence of emergency requirements, be restricted:-

- a) Within all areas except the northern extension area to the following times:
 - 0600 and 2100 hours Mondays to Fridays;
 - 0600 and 1700 hours Saturdays;
 - 0700 and 1300 hours Sundays and Public Holidays.
- b) Within the northern extension area, subject to clause c), to the following times:
 - 0700 and 1900 hours Mondays to Fridays;
 - 0700 and 1300 hours Saturdays;
 - No activities on Sundays and Public Holidays without the prior written approval of the Mineral Planning Authority.
- c) Operations within identified phases of development in the northern extension area may justify the increase of working hours up to those defined in clause a) subject to:
 - i) an agreed scheme of noise monitoring demonstrating accordance with permitted noise limits; and,
 - ii) the Mineral Planning Authority issue of written approval for extended hours of working during a particular phase of development.

All instances of emergency requirement to work outside of the above normal working hours in order to maintain safe quarry working shall be notified in writing to the Mineral Planning Authority provided within five working days of the incident occurring.

Reason: To protect the amenity of local residents in relation to noise and vibration.

9. Noise limits

The levels of noise arising at any noise sensitive property, excluding Winterhead Hill Farm and Callow Bungalow, from permitted site operations shall not exceed the Leq(1 hour) free field levels of :-

- 45dB(A) between the hours of 0600 to 0700
- 55dB(A) between the hours of 0700 to 1900
- 45dB(A) between the hours of 1900 to 2200
- 42dB(A) between the hours of 2200 to 0600

The levels of noise arising at Winterhead Hill Farm from permitted site operations shall not exceed the Leq(1 hour) free field levels of :-

- 42dB(A) between the hours of 0600 to 0700
- 50dB(A) between the hours of 0700 to 1900
- 45dB(A) between the hours of 1900 to 2200
- 42dB(A) between the hours of 2200 to 0600

The noise limits applied to 'a noise sensitive property' will not apply to Callow Bungalow whilst it remains in the ownership of the operator of the site.

Reason: To protect the amenity of local residents in relation to noise.

10. Noise reduction

All plant, machinery and vehicles used within the application area shall be fitted with effective silencers in accordance with, or superior to, the manufacturer's specification and shall be operated in a manner to minimise unnecessary noise and maintained to retain all associated noise mitigation features for the duration of the development hereby permitted.

Reason: To protect the amenity of local residents in relation to noise.

11. Audible Warnings

There shall be no use of tonal reverse warning alarms within the northern extension area. All mobile plant, machinery and vehicles required to use audible reverse warning alarms within the northern extension area shall be adapted to use broadband alarms prior to the commencement of development.

Reason: To protect the amenity of local residents in relation to noise.

12. Hours of blasting

Except in exceptional circumstances where blasting is required to maintain safe quarry working as required by the Health and Safety Executive (which shall be notified to the Mineral Planning Authority as soon as the operator is aware of such a

requirement) no blasting shall be carried out at the site except between the following times:

- 0900 to 1700 on Mondays to Fridays;
- 0900 to 1300 hours on Saturdays.

There shall be no blasting operations on Sundays or Public Holidays.

Reason: To protect the amenity of local residents in relation to noise and vibration.

13. Limitation of Blast Impact

Prior to the agreement of a 'Noise and Vibration Mitigation Scheme' the operator shall ensure that no blast shall take place within the development area unless either:

- appropriate vibration monitoring is undertaken so as to demonstrate that the levels of peak particle velocity did not exceed 9mm/s at the foundation of any dwelling not in the ownership of the operator; or
- blast design can demonstrate, to 95% confidence, that resulting vibration would not be expected to exceed a peak particle velocity of 9mm/s at the foundation of any dwelling not in the ownership of the operator

Reason: To protect the amenity of local residents in relation to noise and vibration.

14. Noise and Vibration Mitigation Scheme

Within 6 months of this permission the operator shall submit a 'Noise and Vibration Mitigation Scheme' for the approval of the Mineral Planning Authority. The agreed scheme shall be adopted by the operator and shall include provisions for:

- the monitoring and control of noise and vibration to demonstrate and ensure compliance with planning limits;
- the procedures for the limitation of blast impact;
- the procedures for the limitation of blast air-overpressure effects;
- the procedures for the recording and investigation of complaints;
- the actions to be taken in the event that it is recorded or observed that planning limits are exceeded.

The scheme shall be reviewed annually and updated if necessary to ensure its relevance to the operations and development of the site and to reflect best practice prevailing at the time.

Any updated scheme shall be submitted to the Mineral Planning Authority for its further approval in writing.

Reason: To protect the amenity of local residents in relation to vibration.

15. Restoration details

Within 6 months of the commencement of the development hereby permitted the following details shall be submitted to the Mineral Planning Authority for approval in writing, for those areas within the red line area of plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016 shown as being soil covered or planted at restoration, such details being conducive to restoration to a nature conservation after use:

- (i) the preparation of the land surface before soiling;
- (ii) the depth and method of spreading and preparation of any soils;
- (iii) the grass seed mix and location and species of trees, hedges, bushes and shrubs;
- (iv) measures for ensuring adequate drainage of placed soils;
- (v) final levels of reclaimed land.

The restoration details, once approved, shall be implemented and completed within two years of the end date of mineral extraction or cessation of extraction from the site, whichever is the sooner.

Reason: To ensure that the site is restored to a condition capable of a beneficial after use in the interests of biodiversity and visual amenity.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

16. Reclamation aftercare and after use

The site shall be reclaimed progressively in accordance with the restoration plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016, in relation to the area outlined in red on that plan only. Progressive restoration shall be interpreted to mean the following:

- (i) Where the winning and working of mineral on any bench or the quarry floor is completed and that bench or floor is no longer required for vehicular access to other parts of the quarry, for the siting of plant or for other ancillary quarrying operations:
- (ii) the placement of soils on that bench or floor in accordance with the restoration details approved under condition 18 above as soon as the soils to be placed are in a dry and friable condition suitable for handling; and
- (iii) the seeding and planting on that bench or floor in accordance with the restoration details approved under condition 18 above in the first available planting season.

Reason: To ensure that each worked out area of the site is restored to a condition capable of a beneficial after-use in the interests of biodiversity and visual amenity at the earliest possible opportunity.

17. Aftercare

Within 6 months of the commencement of the development hereby permitted details of the aftercare of the area to be restored shall be submitted to the Mineral Planning Authority for approval in writing. Such details shall include:

- (i) the aftercare steps to be carried out for a period of 5 years to ensure that the soiled and planted areas are suitable for a nature conservation amenity after-use by the completion of the aftercare period;
- (ii) the timing and duration of the aftercare steps listed pursuant to part (i) above, such timing to provide 5 years of aftercare.

Following approval and the completion of restoration of any area, the aftercare steps shall be implemented, in accordance with the approved timing and duration details.

Reason: To ensure that each worked out area of the site is restored to a condition capable of a beneficial after-use in the interests of biodiversity and visual amenity at the earliest possible opportunity.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

18. Removal of Plant and Buildings

Within 12 months of the cessation of working in accordance with the approved working plan listed in condition 3, all plant and buildings shall be removed from the site and the ground area they occupied restored in accordance with the restoration plan 2443-4-1 DR-0004-S5-P3 dated AUG 2016, in relation to the area outlined in red on that plan only.

Reason: In the interests of biodiversity and the visual amenity of the area.

19. Restoration Following Early Cessation

Within 6 months of a cessation of the winning and working of minerals where the full depth of working illustrated on the approved working plan listed in condition 2 has not taken place, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country

Planning Act 1990, a revised restoration plan shall be submitted to the Mineral Planning Authority, for approval in writing.

The restoration plan shall:

- (a) illustrate all plant, buildings and associated footings as having been removed from the site and the ground levels at the sites of removed buildings or plant as being smoothly graded into surrounding ground levels;
- (b) areas of soil placement and planting suitable for a nature conservation amenity after use within the site;
- (c) distinguish the areas within the application area which have not already been restored in accordance with the approved restoration plan, from those that have been, at the date of submission of the scheme.

For all areas which the revised restoration plan indicates as to be soiled/planted which have not yet been restored in accordance with an approved restoration plan the following details shall be provided to accompany the revised restoration plan, for approval in writing, such details being conducive to restoration to nature conservation after use:

- (i) the preparation of the land surface before soiling;
- (ii) the depth and method of spreading and preparation of soils;
- (iii) the grass seed mix and location and species of trees, hedges, bushes and shrubs;
- (iv) measures for ensuring adequate drainage of placed soils;
- (v) final levels of reclaimed land.

The approved revised restoration scheme shall be fully implemented within 12 months of approval.

Reason: To ensure that in the event of early cessation of working the land is restored to a beneficial after use.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

20. Aftercare Following Early Cessation

Within 6 months of a cessation of the winning and working of minerals prior to the achievement of the full depth of working illustrated on the approved working plan listed in condition 2, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and

Country Planning Act 1990, a revised aftercare scheme shall be submitted to the Mineral Planning Authority for approval in writing.

The scheme shall include a plan indicating those areas which have not already completed 5 years of aftercare and in relation to those areas shall include:

- (i) aftercare steps to be carried out for a period of 5 years to ensure that the soil covered and planted areas will be suitable for a nature conservation amenity use by the completion of the aftercare period;
- (ii) the timing and duration of the steps listed pursuant to part i) above, such timing to provide 5 years of aftercare.

Following approval, the aftercare steps shall be carried out immediately following the completion of the approved restoration works, in accordance with the approved aftercare timing and duration details.

NOTE:

If the operator submits a restoration scheme which in the opinion of the MPA cannot reasonably be approved, or if the MPA fail to determine the application for approval of the scheme within 8 weeks from the registered date of receipt of the scheme, or such longer period as may be agreed in writing with the MPA, then the operator may lodge an appeal with the Planning Inspectorate within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, the operator shall be in breach of this condition.

Reason: To ensure that in the event of early cessation of working the land is restored to a beneficial after use.

21. Water Quality Monitoring

Prior to the commence of the development hereby permitted, a 'scheme' for water resource and water quality monitoring, analysis, interpretation shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

22. Water Flow Maintenance Scheme

Prior to the commencement of development hereby permitted a 'scheme' that will provide for maintenance of spring flows, stream flows and their water quality shall first be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

23. Scheme for the Maintenance of Private and Licensed Water Interests

Prior to the commencement of the development hereby permitted, a 'scheme' that will provide for Maintenance of Private & Licensed Water Interests and their water quality shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such scheme as approved shall be applied and accorded with for the duration of operations as detailed in this planning permission.

Reason: Protection of controlled waters.

24. Scheme for Hydrological and Hydrogeological Monitoring

Prior to the commencement of the development hereby permitted, a scheme for the provision of regular Hydrological and Hydrogeological monitoring data reporting, analysis and interpretative reviews to the Environment Agency and Mineral Planning Authority shall be agreed in writing by the Mineral Planning Authority. The scheme shall thereafter be submitted in accordance with the approved details to the Environment Agency and the Mineral Planning Authority.

Reason: Protection of controlled waters.

25. Maintenance of Water Resource Monitoring Facilities

For the purposes of facilitating and verifying the discharge of their obligations, the site operator shall maintain in good working order any water resources monitoring facilities (i.e. stream flow measuring stations) to the reasonable satisfaction of the Environment Agency. Where any such monitoring facility becomes unserviceable details of appropriate replacement facilities shall be submitted to and agreed in writing by the Mineral Planning Authority in consultation with the Environment Agency. Replacement monitoring facilities shall thereafter be put into operation and maintained as agreed.

Reason: Protection of controlled waters.

26. Horseshoe Bats

All ecological measures and/or works for horseshoe bats shall be carried out in accordance with the details contained in Section 4 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. These measures will be carried out prior to the commencement of ground works for the quarry extension and be confirmed in writing to the Minerals Planning Authority.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

27. Landscape and Ecological Mitigation Plan (LEMP)

Before the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Mineral Planning Authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan;
- h) On-going monitoring for horseshoe bats and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of the horseshoe bat features of European sites.

28. Bat Roosts

In respect of potential bat roosts of cliff faces all ecological measures and/or works for horseshoe bats shall be carried out by a licensed bat ecologist in accordance with the details contained in Section 6.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. Where surveys are required a letter detailing the findings and any actions required shall be submitted to the Minerals Planning Authority by the licensed bat ecologist within 14 days of first identification of such surveys.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

29. Time of Work – Ecology

No ground works, vegetative clearance or removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the groundworks, where vegetation is cleared or work to buildings or structures carried out and provided written confirmation that no birds will be harmed

and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Mineral Planning Authority within 14 days of such measures as taken.

Reason: In the interests of nesting wild birds

30. Badger Protection

Prior to commencement of each working phase, and any of the following operations: soil stripping, tree-felling or the grubbing up / flailing of hedgerows or scrub, fence installation and the creation or taking down of any screening bund or soil storage mound, a walkover survey will be carried out by a competent ecologist to check for badger setts. A letter will be submitted to the Mineral Planning Authority within 14 days of such surveys reporting the findings and actions required.

Reason: In the interests of a protected species

31. Competent Ecologist

In respect of reptiles all ecological measures and/or works shall be carried out by a competent ecologist (Biodiversity and Restoration Advisor) in accordance with the details contained in Section 6.3.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. A letter detailing the results of the translocations will be submitted to the Minerals Planning Authority by the ecologist within 14 days from the cessation of identified works.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

32. Grassland Ecological Network Mitigation

Prior to the commencement of the development hereby permitted the land to the east and west of Drove Farm, in the control of the applicant and with the following central National Grid Reference (NGR) points shall be identified and maintained as part of the Grassland Ecological Network (GEN):

- Field 1: NGR: E: 343912 N: 156575; and
- Field 2: NGR: E: 344269 N: 156589

Such details / plans identifying the site, as well as a management scheme for the land to meet the GEN requirements shall be submitted to and approved in writing by the Mineral Planning Authority. Such management scheme as approved shall be implemented and adhered to for the duration of extraction activities at the site as detailed in this planning application.

Reason: To provide mitigation for the loss of that part of the GEN currently provided by land that forms the Callow Rock Quarry Northern Extension.

33. Landscape Protection / Amenity Impact Mitigation

Prior to the commencement of the development hereby permitted details of the proposed landscape mitigation measures shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such landscape mitigation measures shall include:

- A programme of works;
- Details of all soft landscape works to be provided including a programme for implementation and long-term management through the life of the quarrying activities and following the completion of quarrying activities;
- Details on subsoil and topsoil stripping, including location and method of storage before construction of the mitigation bunds/screening landform to the north, east and west of the extension area;
- Details on the minimum dimensions of the mitigation bunds/screening landform, including details of any soft landscape works, such as planting and seeding;
- Details on the 'look-out' point/viewing platform and interpretation boards;
- Details on the area of hardstanding to provide a local car parking facility and connection to the footpath network.

Once approved, the details shall be implemented in full for the duration of the development hereby permitted.

Reason: In the interests of the wider landscape and AONB.

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 September 2011;
 - Sedgemoor District Local Plan 1991-2011 (saved policies); and
 - Somerset Minerals Plan, adopted in February 2015.

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

Sedgemoor Core Strategy:

Policy TM1 (Safe and Sustainable Transport):

The development would minimise and mitigate negative effects that could be experienced to PRoW and would result in comparable vehicle numbers to and from the site to that currently experienced (and at a level considered acceptable on the surrounding highway network by SCC Highways).

Policy S3 (Sustainable Development Principles):

The development would contribute to the provision of employment opportunities, maintain the character of the area and its biodiversity as well use an identified resource in a suitable way.

Policy S4 (Mitigating the Causes and Adapting to the Effects of Climate Change):

The development would utilise an existing resource, in a location suitably close to the end destination of the majority of the point of extraction, and with appropriate restoration and biodiversity enhancement to ensure its acceptability.

Policy D9 (Sustainable Transport and Movement):

From the details submitted the scheme would require / result in traffic movements comparable to current levels.

Policy D10 (Managing the Transport Impacts of Development):

The development would seek to protect and enhance PRow affected by the scheme, as well as ensure freight levels to and from the site are no greater than those experienced at the present time.

Policy D14 (Natural Environment):

The development is within the Mendip Hills AONB. In this case, with the proposed mitigation and final restoration and cessation of operations at Shipham Hill Quarry for the duration of extraction at Callow Rock Quarry, the proposal would in the long term ensure the character and aesthetic of this area is maintained.

Policy D16 (Pollution Impacts of Development and Protecting Residential Amenity):

Subject to full accordance with the planning conditions proposed the scheme should ensure impacts from noise, dust, vibration and impacts on water are suitably and appropriately mitigated, with minimal impact on the environment, residents and the areas' users alike.

Policy D17 (Historic Environment):

The development would not harm or impact negatively on identified heritage assets, so ensuring accordance with this policy.

Policy CNE16 (Groundwater Source Protection Zone):

The development seeks to include appropriate mitigation to manage the quality of water flows, and subject to planning conditions proposed, would be considered acceptable.

Somerset Minerals Plan

Policy DM1 (Landscape and visual amenity):

The development would be acceptable in terms of the wider landscape effect and visual amenity, subject to the progressive restoration being undertaken.

Policy DM2 (Biodiversity and geodiversity):

Subject to adherence to the detailed planning conditions the development would not have a long term effect on the sites' biodiversity

Policy DM3 (Historic Environment):

The development would have minimal effect or harm on the setting of identified heritage assets.

Policy DM4 (Water Resources and Flood Risk):

The development seeks to include appropriate mitigation to manage surface water flows, and subject to planning conditions proposed, would also manage subterranean water flows. The development would manage material on site, and would not result in pollution on or off site (in terms of water quality).

Policy DM6 (Public Rights of Way):

The proposed development would seek suitable diversion / alternative PRoW provision.

Policy DM7 (Restoration and Aftercare):

The proposed site would be restored and biodiversity enhanced areas created.

Policy DM8 (Mineral operations and the protection of local amenity):

The development would be acceptable in terms of amenity on surrounding users, subject to adherence to the proposed planning conditions.

Policy DM9 (Minerals transportation):

The development would process material generated from Callow Rock Quarry, and have sufficient capacity to manage waste from permitted reserves and would not directly result in any increase in traffic movements to and from the site or on the wider highway network.

Policy SD1 (Presumption in favour of sustainable development):

The development would contribute to the provision of employment opportunities, maintain the character of the area and its biodiversity as well use an identified resource in a suitable way.

Policy SMP3 (Proposals for the extraction of crushed rock):

The scheme would deliver clear economic benefits in a way that could be suitably mitigated.

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

STATEMENT OF ENGAGEMENT:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Mineral Planning Authority has worked with the applicant in the following positive and proactive manner. This proposal has been assessed against the NPPF 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.

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.

Appendix A:

SCC Ecology – Comments in full (No objection)

Further to my e-mail below, I should inform you that at the moment I am finding it hard to make a positive recommendation of approval with regards to this application.

Firstly I am not persuaded as yet that adequate measures are being put forward to compensate for the loss of habitat that is used by bats from SACs within range of the extension site. My colleague Larry Burrows is looking into this and drafting a Habitats Regulations Assessment. I understand that as yet he has not agreed with the applicant's ecologists concerning the outcomes of off-setting calculations. I should stress that in my view a proposal that relies on provision of replacement habitat in or around 2067 is not acceptable. Compensatory habitat ought to be in place and functional before phase 1 is even started.

Secondly, I have considered Somerset Wildlife Trust's representations concerning ecological networks and I have come to the conclusion that the extension fields form part of the local network. Removal of these fields from the network will weaken it and this seems to me to be contrary to current Minerals Plan policies. (The issue of impact on ecological networks is not addressed at all in any of the EIA material submitted so far, which seems odd given the prominence that they are given in the Minerals Plan).

Thirdly, there does seem to be a difference of opinion between SWT and the applicants concerning the floristic value of at least one of the fields that will be dug out in Phase 1.

I too need to get to the bottom of this issue by looking at the additional information that has been supplied.

Fourthly, I am unclear about what are the implications of the proposals for Shipham Hill Quarry which appears to be at least locally important for wildlife according to the information supplied thus far by the applicants. The consequence of all of the above is that I am currently leaning towards a recommendation of refusal and I think it is important that this is communicated to the applicants so that they are aware of the current situation.

Objection removed (subject to planning conditions and green network issues being resolved) (07.12.2017)

A number of surveys were carried out by Andrews Ecology in 2016 which as well as an overall ecological impact assessment included specific reports on bats, dormice, great crested newts, breeding birds, and invertebrates. The extension site at Callow Rock will result in the permanent loss of c. 11.8 hectares (ha) of lowland meadow, an s41 priority habitat and c. 0.5ha of hedgerows.

Designated Sites

The proposed development has the potential to affect features of three Special Areas of Conservation (SAC): the North Somerset and Sedgemoor Bats SAC;

Sedgemoor Woodlands SAC; and the Sedgemoor Limestone Grasslands SAC. Therefore a 'test of likely significant effect' (TOLSE) was carried out to determine whether a significant effect on the features of these European sites would occur as is the duty of the Minerals Planning Authority as the 'competent authority' under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The TOLSE was carried out and completed on 30 February 2017 by myself and submitted to Natural England for their view. Natural England agreed with the conclusion of the TOLSE that, provided that the two recommendations on relating to dust suppression measures and horseshoe bat replacement habitat are conditioned or subject to a s106 agreement, the proposed extension is unlikely to effect the integrity of European designated sites. The requirements to secure no significant effect on the SACs need to be conditioned:

- The development shall be carried out strictly in accordance with mitigation measures for the suppression of dust set out in Sections 7.1 to 7.15 in the Advance Environment 'Report on the Potential Impact of Dust from the Proposed Northern Extension to Mineral Extraction Operations at Aggregate Industries UK Limited Callow Rock Quarry Cheddar Somerset' unless otherwise approved in writing by the Minerals Planning Authority.

Reason: In the interests of the integrity of a European site

This measure would also afford protection from dust effects on the Callow Drove Fields Local Wildlife Site which is adjacent the extension to the north

The other requirement of the TOLSE was with regard to the loss of habitat for greater and lesser horseshoe bats, features of the North Somerset and Sedgemoor Bats SAC. Surveys by Andrews Ecology recorded greater and lesser horseshoe bat use of the application site in 2016 as did radio tracking studies of horseshoe bats from the Cheddar Complex component site of the SAC carried out in 1999 and 2013. The conclusion stated that 'A minimum of 13.9 hectares up to 21.85 hectares, dependent on the value of the receptor site to horseshoe bats, of habitat for and accessible to horseshoe bats, including species rich meadow, scrub and hedgerows, must be created or enhanced. Alternatively the same area, either wholly or in part with any habitat enhancement, can be managed in a manner to the benefit of horseshoe bats over the existing agricultural regime. A 'Mitigation Strategy for Horseshoe Bats' demonstrating how these enhancements will be achieved will be submitted to and agreed with the Local Planning Authority prior to work commencing on site. These measures will be planted and / or arranged in strict accordance with the Mitigation Strategy unless otherwise agreed in writing by the Local Planning Authority.'

Subsequent to this condition Karen Turvey and I had meetings with the applicant and their ecological consultants where a proposal for the replacement habitat was agreed with us. This is set out in Section 4 of the ecological management plan (EMP) which is Appendix 3 of the 'ES- Additional Environmental Information' (Aggregate Industries, April 2017).

- All ecological measures and/or works for horseshoe bats shall be carried out in accordance with the details contained in Section 4 of the 'Ecological Management

Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. These measures will be carried out prior to the commencement of ground works for the quarry extension and be confirmed in writing to the Minerals Planning Authority.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

The ES- Additional Environmental Information contains a draft ecological management plan (EMP) produced by Andrews Ecology (April 2017). However, this needs to be conditioned to ensure that the mitigation for the effects on horseshoe bats is maintained for the duration of the development and hence that no significant effect occurs subsequent to the implementation of the permission. The submission also stated that '... the EMP would be conditioned in any grant of planning permission'. However, the EMP mixes method statements for avoiding impacts on species from the proposed development with that of land management for ecology, the role of a Landscape and Ecology Management Plan. I would therefore recommend that the following be conditioned:

- A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development [or specified phase of development]. The content of the LEMP shall include the following.*
- a) Description and evaluation of features to be managed;*
- b) Ecological trends and constraints on site that might influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);*
- g) Details of the body or organization responsible for implementation of the plan;*
- h) On-going monitoring for horseshoe bats and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(bodies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of the horseshoe bat features of European sites

Hazel Dormouse

Hazel Dormice are known to occur in hedgerows within the replacement area for greater horseshoe bats. The above LEMP condition will therefore also cover the management of these hedgerows to prevent harm to this species

Ecological Networks

The proposed development would result in the loss of part of the grassland network of the Somerset Ecological Network. This equates to the loss of the three fields in the proposed extension area will result in the shrinkage of the grassland ecological network present, even after the construction of the proposed bund, which will be narrow and take some time to establish. Following submission of the ES- Additional Environmental Information Somerset Wildlife Trust (letter dated 10 May 2017) stated 'Given the timescale before a full aftercare restoration plan is completed it is difficult to avoid the fact that habitat loss will be the net result within the quarry site of the proposed extension'.

The loss of the core habitat and dispersal area of the grassland ecological network in the fields of the extension site will not be mitigated for at all by the bat mitigation. Whilst the bat mitigation aims to introduce cattle grazing to two existing fields in Andrews Ecology's Area 3 and carry out scrub control – both of which are potentially beneficial to the area of core grassland habitat already present in Area 3 – this is a separate grassland ecological network to the one north of Callow Rock which is to be affected by the extension site. There will be no net gain to core habitat by this mitigation and there are no physical links between the two networks west and east of the road.

In addition the extension would result in loss '... to the woodland ecological network, the loss of the three fields to the north of the consented quarry will still result in a loss of 11 ha of woodland dispersal area creating a very 'hard' edge to the core woodland habitat of Callow Drove LWS and the core habitat lying to the east of the easternmost field of the extension site; both of which will decrease the resilience of that area of the network through increased edge effects/potential disturbance' (Somerset Wildlife Trust, May 2017). However, I do not consider its loss would have much effect on the network and that its functioning would not be significantly compromised for specialist species. No direct loss of woodland would occur as a result of the proposed development. This woodland network which is extensive would be enhanced by the mitigation proposed for the SAC.

The Wildlife Trust suggests, as way forward, 'AI and Andrew's Ecology are to be commended for attempting to address the concerns we have over the loss of the size, connectivity and resilience of the Somerset's ecological networks within the AI landholding but SWT feel that in order to fully mitigate the loss of habitat as a result of the proposed extension what is required is a broader view, taking in the wider landscape of the West Sedgemoor and aiming for a landscape scale, not site based, conservation project to protect and enhance the biodiversity present and potentially achievable. SWT envisage a co-operative landscape scale conservation project with neighbouring landowners to enhance the biodiversity of the grasslands beyond but in the vicinity of the quarry, strengthening the resilience in particular of the grassland

ecological network in a substantial rather than piecemeal way, and working to greatly enhance the connectivity of the woodland network for its associated species (particularly bats and dormouse)'.

This is still to be resolved. Policy DM2 states, 'The weight of protection given to a site will be that afforded by... its sensitivity and function in maintaining the biodiversity of the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.' Paragraph 14.6 states that 'Gains are sought through the planning process, are achievable both on and off-site through a combination of measures that recognise how local ecological networks work.'

Other Bat Species

Bat surveys were carried out by automated detector in May, July and September 2016. Twelve bat species were recorded during these surveys. Most hedgerows were considered by Andrews Ecology to be of negligible or low value to foraging bats due to their small structures. Cattle are present in low numbers year round. Only the northern and eastern boundary was considered to be of high value. As the 'competent authority' under the Habitats Regulations an assessment of 'Favourable Conservation Status' of populations of European protected species before determining an application and re[ported in the officer's report to committee.

In terms of the 'Favourable Conservation Status' (FCS) of other bat populations affected by the development:

Natterer's bat was recorded commuting on the western boundary on one occasion in July. Serotine bats were only recorded in September hunting around the east central hedgerow and the northern boundary. The species is not particularly associated with habitat structure for flight lines and prefers to hunt over pasture next to woodland which these fields represent. A small herd of twenty Friesian cows were present in September may have influenced their presence. There would be some loss of feeding resource but is unlikely to affect the FCS of the local population which would also benefit from the enhancements provided for greater horseshoe bats.

These included overflying noctule and Leisler's bats which are unlikely to be affected significantly by the loss of the fields. Leisler's were only recorded commuting across the site but noctule were recorded foraging in the area of the east central hedgerow on one occasion in September but is likely to be linked to the woodland rather than the fields. They are not reliant on habitat structure for flight lines. Nathusius' pipistrelle was recorded commuting over the site on three occasions. The most common species of bat foraging over the site are common and soprano pipistrelle. The former species showed notable feeding activity along the western boundary in July and September but were recorded hunting on all boundaries except along the southern quarry edge. Seventy two percent of activity is associated within retained linear landscape elements. Soprano pipistrelles again were biased to the western boundary and 86% of activity is associated within retained linear landscape elements. It is considered that it unlikely that the FCS of either species would be significantly affected by the proposed extension.

The rare barbastelle bat was recorded along the northern boundary only and hunting on one occasion. The principal prey of barbastelle bats are small moths and it is possible that there is a concentration of these species along the northern boundary. Daytime invertebrate surveys (Andrews, November 2016) indicate that the site is not especially rich in Lepidopteran species; only one such species was recorded. The woodland edge that would be retained and it is unlikely that a significant effect to the local population would occur. Brown long-eared bats were recorded commuting along all but the southern boundary of the site in September. However, no foraging behaviour exploiting the hedgerows was identified and the loss of the fields and hedgerows is unlikely to be significant to the FCS of the local population. They use hedgerows to commute and forage mainly in woodland and around trees tending to avoid open land.

The presence of roosting sites for bats was considered by Andrews Ecology. They state that 'Weathering of mature trees, cliff-faces and even derelict structures within a site may result in the formation of suitable bat-roost features in the period between one quarrying phase and the next. Once such a feature does form, bats may immediately exploit it. Conversely, the same actions may result in the degradation and loss of existing features meaning that the bats that had exploited them have to seek alternative roost sites. This has the effect of making the presence of bats in a site unpredictable from one year to the next. Therefore a safeguarding strategy has been recommended. This needs to be conditioned as follows:

- In respect of potential bat roosts of cliff faces all ecological measures and/or works for horseshoe bats shall be carried out by a licensed bat ecologist in accordance with the details contained in Section 6.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Where surveys are required a letter detailing the findings and any actions required will be submitted to the Minerals Planning Authority by the licensed bat ecologist.*

Reason: In the interests of the integrity of the horseshoe bat features of European sites

Nesting Birds

A survey for breeding birds was carried out by Andrews Ecology in 2016.

The survey observed at least one pair of skylarks, an s41 priority species and BoCC red listed, nesting on the extension site. They are ground nesting species which uses open fields. Therefore, the available habitat will be lost due to the proposed quarry extension. Linnet, another s41 priority species and BoCC red listed, nests in low brush and tussock grassland. Again this would be potentially lost by the quarry extension. Dunnock an s41 priority species and BoCC red listed, nest in thick scrub and on the margins of woodland are unlikely to be affected. Widespread species such as chiffchaff; blackbird; willow warbler (BoCC amber listed); meadow pipit (BoCC amber listed); and goldfinch. In addition, there would be a loss of foraging habitat for these species and in addition swallows. Mitigation will not be possible on site but could be possible within the enhancement of grassland habitats replacing

those lost in the Ecological Network. In addition, Andrews Ecology recommends safeguarding strategies in respect of nesting birds.

- No ground works, vegetative clearance or removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the groundworks, where vegetation is cleared or work to buildings or structures carried out and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds

Badgers

A badger survey performed by Andrews Ecology in 2016 found no setts, but did discover two fresh latrines on the northern boundary of the proposed extension site, and badger pathways leading to and from the latrines indicated that badgers were entering to forage in the pasture. As badgers can colonise an area of suitable habitat, digging an outlier sett within a single night, I would recommend that the following be conditioned:

- Prior to commencement of each working phase, and any of the following operations: soil stripping, tree-felling or the grubbing up / flailing of hedgerows or scrub, fence installation and the creation or taking down of any screening bund or soil storage mound, a walkover survey will be carried out by a competent ecologist to check for badger's sett. A letter will be submitted to the Minerals Planning Authority reporting the findings and actions required.

Reason: In the interests of a protected species

Reptiles

A reptile survey undertaken by Andrews Ecology in 2016 proved positive for reptile presence within the proposed extension site with a peak count of four adult common lizards, one juvenile common lizard and one adult grass snake recorded. All encounters with common reptiles were in the margins of the proposed extension site and not within the more open grassland areas. The soils stripped from the proposed extension site will be used to create screening bunds on the northern, eastern and western margins. These are likely to provide exactly the sort of south-facing slopes that are favoured by both common lizards and grass snakes. As a result, any loss of habitat will be temporary. However, reptiles will need to be protected from during the development and it is recommended that the following be conditioned:

- In respect of reptiles all ecological measures and/or works shall be carried out by a competent ecologist (Biodiversity and Restoration Advisor) in accordance with the details contained in Section 6.3.5 of the 'Ecological Management Plan, Appendix 3 of the ES- Additional Environmental Information' (Aggregate Industries, April 2017)

as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. A letter detailing the results of the translocations will be submitted to the Minerals Planning Authority by the ecologist.

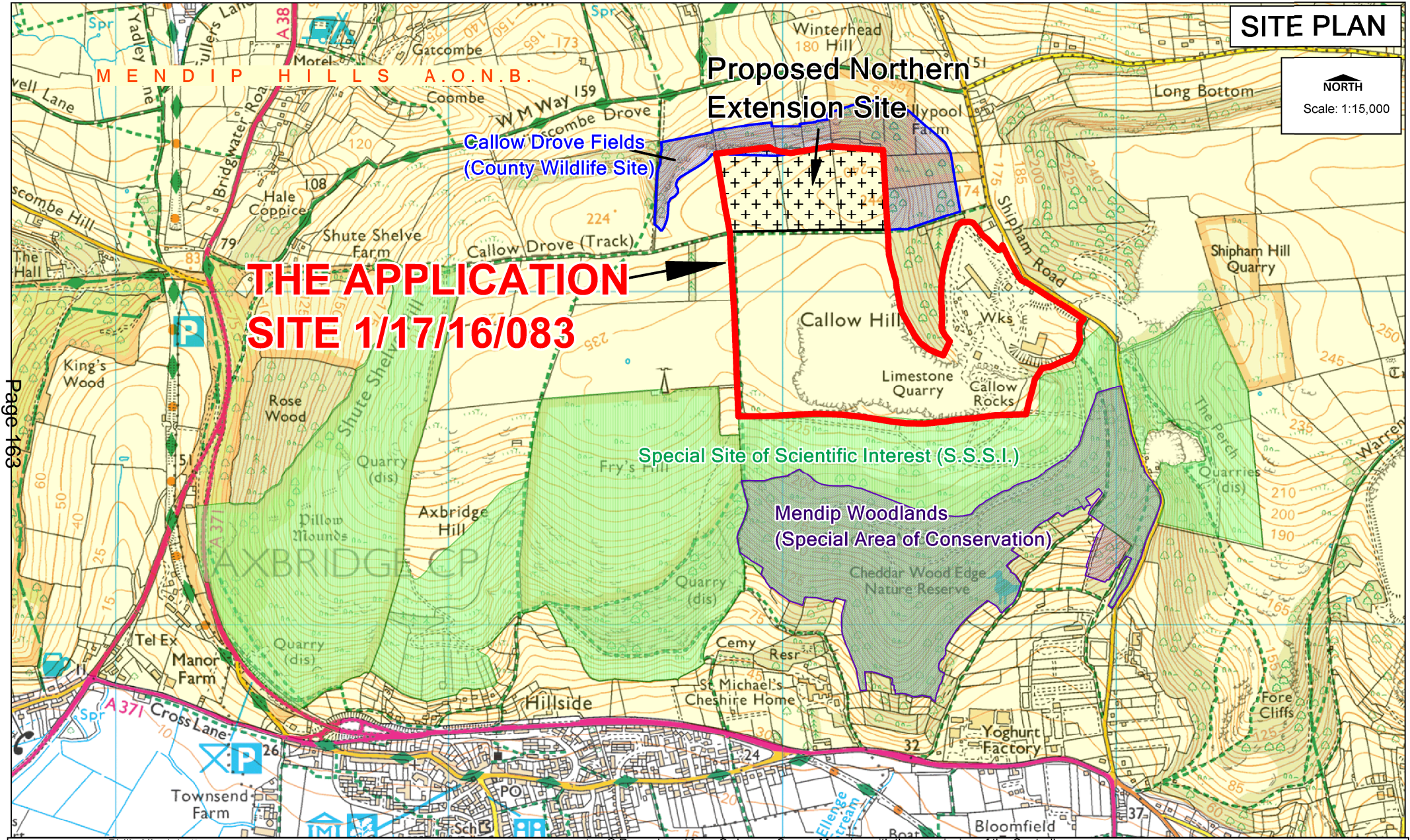
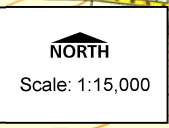
Reason: In the interests of the integrity of the horseshoe bat features of European sites

Conclusion

I have no objection to the application provided that the recommended conditions are applied and that the Grassland Ecological Network issue is resolved in line with Policy DM2 and mitigation for ground nesting birds.

NOTE: as mitigation for effects on the identified Grassland Ecological Network (GEN) the applicant has proposed to set aside two areas of land to the east and west of Drove Farm to link in with the GEN (NGR: E: 343971 N: 156548 and NGR: E: 344251 N: 156573). This has been deemed appropriate and acceptable by the SCC Ecologist and will be detailed in planning conditions.

SITE PLAN



THE APPLICATION
SITE 1/17/16/083

Proposed Northern Extension Site

Callow Drive Fields
(County Wildlife Site)

Special Site of Scientific Interest (S.S.S.I.)

Mendip Woodlands
(Special Area of Conservation)

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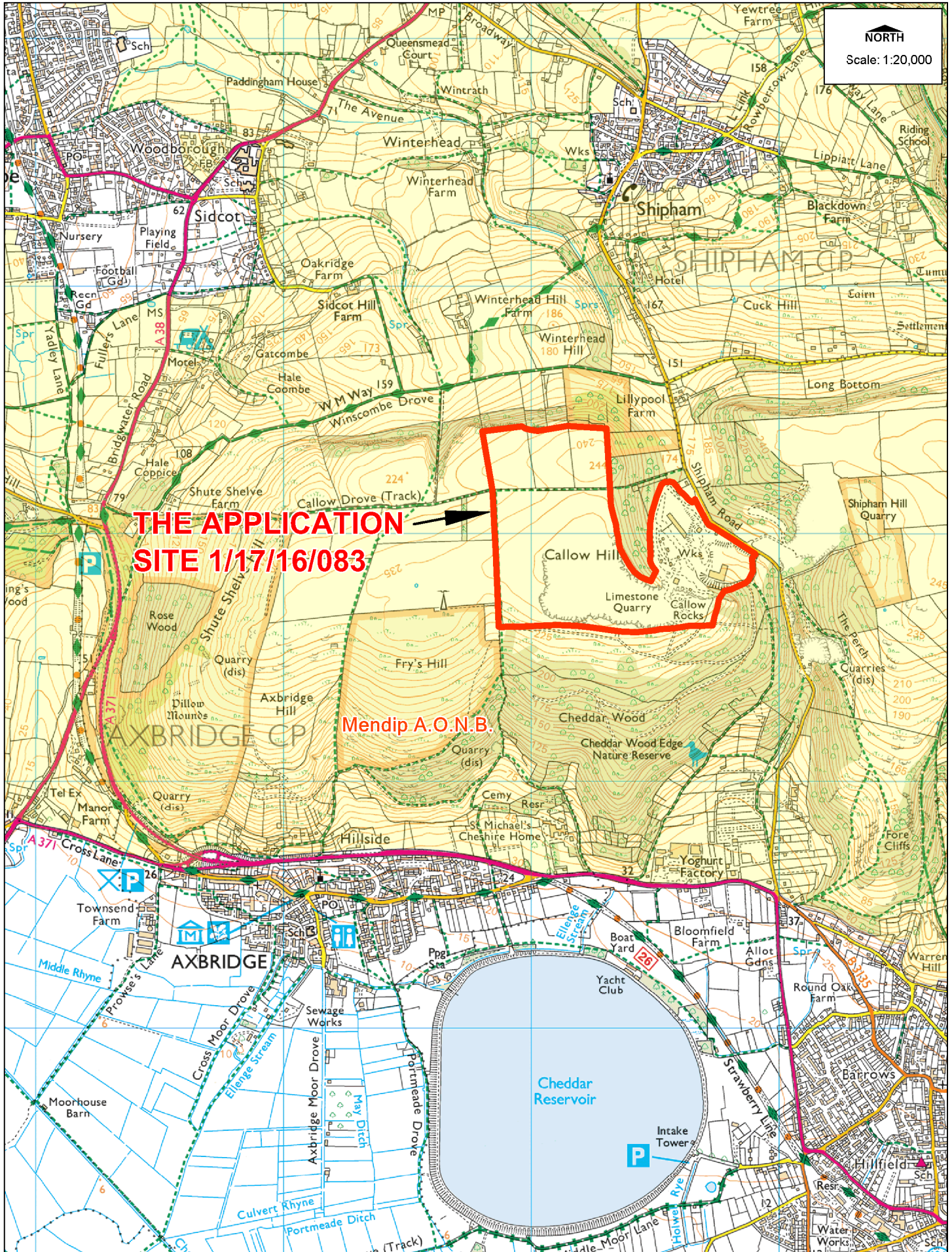
Site Name:
Callow Rock Quarry

Planning Control
Drawn by: P Silvers

Dated: 3 April 2018

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Regulation Committee 12 April 2018 Callow Rock Quarry - Northern Extension



**THE APPLICATION
SITE 1/17/16/083**

Mendip A.O.N.B.



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