

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 11 April 2018 at 14.00 in the Luttrell Room, County Hall.

Present

Cllr J Parham (Chairman)

Cllr J Clarke	Cllr A Kendall
Cllr S Coles (substituting for Cllr T Lock)	Cllr D Ruddle
Cllr N Hewitt-Cooper	Cllr N Taylor
Cllr M Keating	

Other Members Present: Cllr P Ham, Cllr L Leyshon

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 M Pullin and 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 S Coles	Member of Taunton Deane Brough Council Member of the Devon and Somerset Fire and Rescue Authority
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Cllr N Hewitt Cooper	Member of Mendip District Council
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Cllr A Kendall	Member of South Somerset District Council Member of Yeovil Town Council
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Cllr J Parham	Member of Mendip District Council Member of Shepton Mallet Town Council
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Cllr D Ruddle	Member of South Somerset District Council Member of Somerton Town Council
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Cllr N Taylor	Member of Mendip District Council Member of Cheddar Parish Council
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Cllr Nigel Taylor declared a personal and prejudicial interest in respect of agenda item 6 as he is a member of the Institute of Explosive Engineers and of the Institute of Quarry Engineers and also the Chair of the Mendip Hills AONB Committee. Cllr Taylor further informed the Members that he would address the Committee regarding the application as part of the public question time agenda item and would leave the room prior to the Committee's consideration of item 6.

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

The Chairman signed the Minutes of the Regulation Committee held on 8 March 2018 as a correct record, subject to the following amendments to Members declarations of interests – Cllr Dean Ruddle as a Member of South Somerset District Council and Cllr Terry Napper as a Member of Mendip District Council.

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.

(2) At the Chairman's invitation Cllr Nigel Taylor addressed the Committee regarding the Moons Hill Quarry application and raised a number of points including: the importance of supporting local industries and the local community; employment at Callow Rock quarry; that the quarry brings one million pounds annually to the local economy; the need for the quarry's rock; his role as the Mendip AONB Chair; and the importance of protecting the AONB through appropriate conditions.

(3) 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 three Replacement Tips at Moons Hill Quarry - agenda item 5

(1) The Case Officer with the use of maps, plans and photographs outlined the application for three replacement tips at Moons Hill Quarry, bringing to members attention both the proposed site profiling and bund location. The Case Officer highlighted the late paper, informing the Committee that this included additional informatives and planning conditions. The Committee were further informed that: the application site is to the NE of Shepton Mallett; and the nearest residential properties are also to the NE including some listed buildings.

The Case Officer highlighted the key issues for consideration, including: the principle of development; highways; amenity including noise, light and dust; visual and landscape character impact; ecology; and water management. The Case officer further highlighted: the site restoration plans, including bio diversity enhancements, specifically grasslands, ponds, woodland and

hedgerows; that no highways movements were required; and the inclusion of attenuation ponds for surface water run-off.

In conclusion the Case Officer informed the Committee that it was recommended the permission be granted subject to the conditions detailed in both the officer report the late paper.

(2) The Chair noted that Committee members had visited the application site.

(3) The Committee heard from Mr Peter Barkwell, the Managing Director of John Wainwright and Company Ltd, who spoke in support of the application and raised a number of points including: Wainwrights is an independent business and has been trading since 1891; Moons Hill Quarry has an annual turnover of £15m and offers 90 jobs; that the quarry is strategically important to the County; the extracted material is used for road surfacing due to its anti-skid properties; environmental impacts if material were brought to the County from further afield; and that the quarry is included in the County Minerals Plan as being of a particular importance.

(4) The Committee heard from Wayne McKeown, the Moons Hill Operations Director, who spoke in support of the application and raised a number of points including: he had spent all of his working life in the quarry industry; he had worked at Moons Hill since 2005 in various roles; he represented the quarry workforce; employment at the quarry; John Wainwright and Company Ltds respect for the local community and the environment; he had overseen the construction and maintenance of 6 tip schemes in the past 13 years; the importance of building safe tips and returning sites to agricultural use; and ensuring the design of the tips has the minimum possible impact.

(4) The Committee heard from Mr Paul Bishop, a Stoke St Michael resident and quarry employee, who spoke in support of the application and raised a number of points including: he had worked at the quarry for a number of years; he knew the company to be a good caring employer; the contribution of the quarry to local schools and the local community; his son had recently secured an apprentice at the quarry; and the importance of the application being granted planning permission.

(5) The Chair proceeded to read a statement on behalf of the residents of Three Ashes, raising a number of points including: their homes are the main residential properties affected by this application, being 150m from the application site; they have a cumulative occupancy of over 150 years; consideration of the size and scope of the application; on-going changes in legislation; alternative uses for spoil materials; consideration of tip stability; monitoring of work programmes and aftercare; and extending the aftercare period.

(6) The Committee heard from Nick Dunn, speaking on behalf of the applicant, who spoke in support of the application and raised a number of points including: the project first started in 2012; the applicant has worked

closely with Somerset County Council; the Council's advice was to submit a single application to prevent further piecemeal planning applications; consultation with local residents; ensuring the tips fit into the local landscape; ecological benefits; the environmental impact assessment; demonstrating tip stability in the short, medium and long term; that there had been no objection from any of the statutory consultees; and compliance with the National Planning Policy Framework.

(7) The Committee heard from Cllr Philip Ham, the divisional member, who spoke in support of the application and raised a number of points including: highlighting his letter which had been circulated to committee members; his role as the chairman of the Moons Hill Quarry Liason Group; the application was borne over 5 years ago; SCC had been in possession of the application for over 2 years; the delays in determining the application were unacceptable; the quality of the Moons Hill stone; the operators care for the community and their workforce; that the importance of the application outweighs the points raised by the residents of Three Ashes; and that he recommended the application be approved.

(8) At the Chair's invitation the Case Officer responded to the points raised by members of the public noting: there was a regular review process for mineral planning permissions; and the Quarry Regulations 1999 included requirements regarding tip stability post cessation of operations and subsequent transfer to the Mineral Planning Authority.

(9) The Committee proceeded to debate during which a number of questions were asked by Members including: the operators relationship with the local community; the strategic importance of the extracted rock; the environmental impacts of exporting the stone from elsewhere; the importance of assuring local residents of the checks in place to ensure tip stability and safety; employment and job security at the quarry; and flood mitigation measures.

(10) At the Chair's invitation the Case Officer responded to a member question regarding flood mitigation measures, noting that there had been no objection from any of the statutory consultees.

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

(12) The Committee resolved in respect planning application no. 2016/0665/CNT that planning permission be **GRANTED** subject to the conditions set out in section 10 of the officer's report, together with the amended condition regarding Landscaping & Rights of Way, the additional condition regarding the footpath diversions and the two informatives regarding a proposed bridleway circuit and the existing rights of way, all as detailed in the late paper.

The Committee further resolved 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.

At this point Cllr Taylor left the meeting.

6 Northern Lateral extension to the existing quarry, consolidation and regularisation of existing operation and associated development at Callow Rock Quarry – agenda item 6

(1) The Case Officer with the use of maps, plans and photographs outlined the application for a northern lateral extension to the existing quarry, consolidation and regularisation of existing operations and associated ancillary development. The Committee were informed: the quarry was near to Cheddar; the site was located next to the Mendip Area of Outstanding Natural Beauty and a Site of Special Scientific Interest; existing rights of way would be affected by the proposed development; and a site restoration plan had been proposed by the applicant.

The Case officer further highlighted the land ownership of the applicant, including those areas which had been identified for ecological off-setting; the proposed S106 Agreement regarding the cessation of extraction at Shipham Quarry; proposed site restoration plans and mitigation bunds; the scale of the proposed development; and the conditions attached to the application as included in the officer report, and as amended and supplemented in the late paper.

(2) The Committee heard from Mr Clive Panchaud, who spoke against the application and raised a number of points including: he was representing local residents; highway concerns including the 'magic roundabout' and increased traffic in the local area; an outstanding highways feasibility study; housing developments in the local area; the importance of ensuring the local road network is suitable; the S106 Agreement recommended by Shipham Parish Council; and funding for road improvements.

(3) The Committee heard from Mr Paul Fineran, speaking on behalf of Cheddar Parish Council, who spoke against the application and raised a number of points including: the failure to properly mitigate the impacts of this application; the Somerset Minerals Plan and protecting the quality of life for local residents; the figures used in the transport statement; the reduction in lorry movements if the quarry were to close, and resultant transport impacts if the quarry were to remain operational; increases in lorry sizes; and the Parish Council's request for S106 funding to improve the junction known as the 'magic roundabout'.

(4) The Committee heard from Mr Stuart Howlett, speaking on behalf of South Somerset District Council, who made a number of observations including: the quarry location had been established; traffic congestion in Cheddar village; the requirements for improvements to the 'magic roundabout'; and housing and employment growth in the local area.

(5) The Committee heard from Mr Reg Minty, spoke in support of the application. Mr Minty informed the Committee that he was an engineer at Callow Rock Quarry and was a Morris dancer. Mr Minty raised a number of points including: his grandchildren may be looking for employment at Callow Rock Quarry in the future; that he had worked in the quarrying industry for 48 years; changes in the quarrying industry; that he had previously been a parish councillor; that his employment had allowed him to contribute to society through paying taxes and national insurance; and that he had various hobbies and interests including Morris dancing. Mr Minty asked Members to look favourably on this application giving future generations the opportunity to dance in their own way.

(6) The Committee heard from Mr John Penny, speaking on behalf of the applicant, who spoke in support of the application and raised a number of points including: there had been mineral extraction at Callow Rock since the 1900's, with modern quarrying starting in 1961; the proposed extension covers an area of 12ha; continuing to work the existing quarry would sterilise the potential extension areas; the application was not seeking to increase output from the quarry, and as such there would be no increase in HGV movements; the importance of landscape protection given the quarry is located in the Mendip AONB; the quarry contributes more than one million pounds annually to the local economy; employment at the quarry; and accordance with the National Planning Policy Framework.

(7) At the Chair's invitation the Case Officer responded to the points raised by members of the public noting: there had been no objections from any of the statutory consultees and would be no increase in vehicle movements. The Case Officer noted that in his professional opinion it would be unreasonable to impose a S106 agreement regarding road network improvements, and highlighted the additional planning condition included in the late paper.

(8) At the Chair's invitation the Service Manager – Rights of Way addressed the Committee highlighting: the existing Callow Drove footpath; and an application to modify the definitive map and upgrade the footpath to bridleway status. Members were informed of the importance of determining the bridleway application before development commences, and that consideration should be given to determining the application 'out of turn' to ensure it is investigated as a priority.

(9) The Committee proceeded to debate during which a number of questions were asked by Members including: ensuring the status of Callow Drive is determined as soon as possible; the importance of the bund in the north west corner of the site; and the economic benefits of the quarry.

(10) Cllr Simon Coles proposed the recommendations as detailed in the officer report and this was seconded by Cllr Nigel Hewitt-Cooper.

(11) The Committee resolved in respect planning application no. 1/17/16/083 that planning permission be **GRANTED** subject to:

a) the imposition of the conditions in section 10 of this report, together with the additional condition regarding footpath AX 13/7 and the two planning informatives regarding the existing right of way and the application to modify the definitive map, all as detailed in the late paper.

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.

The Committee further noted its support for application 820M to modify the Definitive Map being prioritised.

7 Any other business of urgency – agenda item 7

There was no other business.

(The meeting closed at 15.31)

Chair, Regulation Committee