

Regulation Committee

Thursday 13 June 2019

10.00 am Taunton Library Meeting Room



To: The Members of the Regulation Committee

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr J Clarke, Cllr S Coles, Cllr M Keating, Cllr A Kendall and Cllr N Taylor

Issued By Scott Wooldridge, Strategic Manager - Governance and Risk - 5 June 2019

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 - 10.00 am Thursday 13 June 2019

**** 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 09 May 2019** (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 **Batts Lane Quarry, Long Sutton, TA10 9NJ** (Pages 11 - 56)

6 **Tout Lane, Charlton Adam, Charlton Mackrell, Somerton, TA11 7AN** (Pages 57 - 84)

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 or Peter Stiles Tel: (01823) 357628 or Email: mbryant@somerset.gov.uk or pstiles@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 or Peter Stiles, the Committee Administrators **by 5pm 3 clear days 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 9 May 2019 at 10.00 in the Meeting Room, Taunton Library.

Present:

Cllr M Caswell
Cllr S Coles
Cllr A Kendall
Cllr M Keating
Cllr N Taylor

1 Election of Chair

In the absence of the Chair and Vice-Chair, Cllr Coles, seconded by Cllr Taylor, moved, and the Committee RESOLVED, that Cllr M Keating be elected Chair for the meeting.

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and indicated that there were no public questions.

2 Apologies for Absence - agenda item 1

Cllr J Clarke, Cllr N Hewitt-Cooper and Cllr J Parham

3 Declarations of Interest - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee 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 S Coles	Member of West Somerset and Taunton Council
Cllr A Kendall	Member of South Somerset District Council Member of Yeovil Town Council
Cllr N Taylor	Member of Cheddar Parish Council

Cllr N Taylor further declared a personal interest by virtue of being Chair of the Mendip Hills AONB Partnership Committee.

4 **Accuracy of the Minutes of the Meeting held on 4 April 2019** - agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 4 April 2019 as a correct record.

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

There were no public questions.

6 **Consultation on Amendments to Processing of Applications to Modify the Definitive Map** - agenda item 5

(1) The Committee considered a report by the Service Manager, Rights of Way regarding efficiency proposals aimed at reducing the significant delays in processing applications to modify the Definitive Map in Somerset following a review of current procedures, in the light of concerns expressed by the Scrutiny for Policies and Place Committee.

(2) The report drew attention to two main areas of concern relating to the backlog of applications awaiting determination, namely:

- the authority was under a statutory duty to determine applications ‘*as soon as reasonably practicable*’ which, based on current resources and determination rates might not be possible
- directions issued by the Secretary of State to determine applications within a specified timeframe meant that the order in which applications were determined was affected, with determination of some of the oldest applications being delayed due to resources being redirected to focus on Secretary of State directions.

(3) The appropriate response to address these issues was to increase the determination/referral rate, either through additional resource or a change to process. A streamlined process had been adopted some time ago and had modified over time where additional efficiencies came to light. Nevertheless, the levels of scrutiny received from applicants and objectors had meant that the streamlined process was not always achievable. A typical investigation took six months to determine, and there remained long delays in investigating applications.

(4) The report outlined proposals for further efficiencies that could be achieved in the following three stages of dealing with applications: Investigation and Report (IR); Decision-making (D) and Post Determination (PD) The report also detailed the efficiency that could be delivered by each proposal. Full details of all the proposals, including the risks involved, and those which - on balance - had not been recommended for implementation were set out in Appendix 1 to the report.

(5) The report pointed out that consultations had been undertaken with other local authorities (including Northumberland and Norfolk County Councils) on various aspects of the determination process and their approaches were shown in Appendix 1. The recommended efficiency proposals generally accorded with the approach of other authorities with the exception of PD1 (Neutral stance for opposed orders where we cannot contribute further to the process with regard to evidence). Of the authorities consulted, only Norfolk County Council had an approach similar to PD1.

(6) Assuming an average efficiency gain of 13 days per case, with around 10 applications currently being determined each year, this could result in a total of 130 extra working days per year being freed up. This could enable a further three applications to be determined each year, reducing the approximate nominal 30 year wait for an application submitted today to 23 years. Although this was a significant improvement, a significant backlog would still remain and this highlighted the need for additional officer resources if the rate of determination was to be greatly increased.

(7) While continuous process improvement and the efficiency proposals should improve the determination rate, it did not necessarily follow that the backlog of applications would decrease as the authority had no control over the rate of incoming applications. It was likely that the rate of applications would stay at existing levels, or increase with the approach of the 'cut-off' date of 1 January 2026 for applications based on pre-1949 documentary evidence. However, the Deregulation Act, 2015 might help with achieving efficiencies.

(8) It was noted that the efficiency proposals would be presented to the meeting of the Scrutiny for Policies and Place Committee at its meeting on 19 June, 2019.

(9) The Committee proceeded to debate, during which Members discussed the content of the report, with the Rights of Way Service Manager and the Senior Rights of Way Officer responding as appropriate. Members:

- expressed concern about the potential long-term risk to the authority of the growing backlog of applications to modify the Definitive Map, even with continuous service improvement and the current efficiency proposals
- fully supported an increase in officer resource for the Rights of Way Service as the only realistic way of significantly reducing the backlog
- did not support the proposals relating to Decision-Making involving: 'minimising site visits for Committee decisions' (D1) and 'redefining criteria for going to Committee....' (D2), in favour of retaining the status quo in both cases
- discussed the scope for wider use of Express Dedication at Common Law, and closer working with user groups etc.

(10) Cllr Taylor, seconded by Cllr Coles, moved the recommendation set out in the report, as amended to reflect the third bullet point in (8) above.

(11) The Committee RESOLVED unanimously to support the proposed changes (coloured green in Appendix 1 to the report) to how applications to modify the Definitive Map are processed, subject to the exclusion of proposals relating to Decision-Making involving: minimising site visits for Committee decisions' (D1) and redefining criteria for going to Committee (D2), and to support an increase in officer resource.

(The meeting closed at 11.15)

Somerset County Council

Regulation Committee –
Report by Paul Hickson
Strategic Commissioning Manager

Application Number: 18/02799/CPO

Date Registered: 03/09/2018

Parish: Long Sutton

District: South Somerset

Member Division: Somerton

Local Member: Dean Ruddle

Case Officer: Maureen Darrie (Previously Clive Conroy)

Contact Details: mdarrie@somerset.gov.uk

(01604 771123)

Description of Application: **Proposed re-opening of former quarry including proposed temporary processing building and internal access track**

Grid Reference: Centre of Site

Applicant: Mr Henry Ford

Location: Land off Batts Lane, Long Sutton, Somerset, TA10 9NJ

1 Summary of Key Issues and Recommendation

- 1.1 The proposed development relates to the “re-opening” of a former quarry at Batts Lane, Long Sutton. The quarry would produce blue Lias limestone, at a rate of 2-3000 tonnes a year. The quarried stone would be cut and stored on site in a purpose built processing and storage shed. Dry working of 29,000 tonnes of stone would take between 10 and 15 years.**
- 1.2 The main issues for consideration in this Report to Committee relate to:**
- Contamination issues relating to digging up an old landfill**
 - Impact on water resources**
 - Need for the mineral**
 - Whether the proposal would result in tangible benefits to the local economy**
 - Impact on local amenity**

It is recommended that planning permission be REFUSED for the reason set out in section 11 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Strategic Commissioning Manager, Economy and Planning.

2 Site Description

- 2.1 The site is currently arable farmland comprising approximately 2.9ha. It is located about 2km to the west of the village of Long Sutton, within the administrative area of South Somerset.**
- 2.2 The proposal site is bounded to the north by the A372. There is agricultural land to the east, west and south. Access to the site would be from Batts Lane, which provides a short connection to the main junction with the A372.**
- 2.3 The extraction area forms a rectangular area of about 1.1ha and lies to the south of the A372. The processing building would be located adjacent to a pond and to the east of the extraction area.**

- 2.4 The nearest residential properties lie mainly to the north and east of the site, with 7 properties being within 300m of the extraction area and a further 13 within 500m. Eight properties lie within 100m of the proposed access track or the quarry entrance.
- 2.5 There is a listed building (Upton Cross) about 300m to the east of the proposed quarry.
- 2.6 Wet Moor SSSI lies about 800m to the southwest of the proposed extraction area.

3 Site History

- 3.1 There is no record of any previous planning applications or planning permissions on this site; however the planning statement makes the following claim:

“The quarry was believed to have been worked over a long period up until WWII and it extended to an area of several hectares”.

4 The Proposal

- 4.1 This application is for dry working of the mineral above the water table, which is described as “Phase 1” by the Applicant. If Phase 1 is approved then the Applicant intends to submit a separate application for Phase 2, which would entail working below the water table.
- 4.2 The proposal would involve the extraction of a maximum of 5,000 tonnes of blue Lias a year over a period of approximately 15 years. However, the Planning Statement states that the output rate at the proposed quarry would be likely to be between 2,000 and 3,000 tonnes per year, which would equate to 40 to 60 tonnes per week. Therefore, the dry recovery of around 29,000 tonnes of stone would take between 10 and 15 years.
- 4.3 The quarried stone would be cut and stored on site in a purpose built processing and storage shed before being transported away.
- 4.4 The quarrying and stone cutting would provide employment for 2 full time workers at the site (albeit there would no working during the wetter autumn and winter months).
- 4.5 The Applicant anticipates that Phase 2 would follow Phase 1, during which the void would be de-watered in order to release a potential additional 22,000 tonnes of stone over 7 to 11 years.
- 4.6 The Applicant has stated that unless and until a planning application is submitted for Phase 2, it is anticipated and expected that a planning condition would be imposed and enforced on the Phase 1 permission to establish the precise means of restoration.

Extraction

- 4.7 Quarrying would be undertaken west of the “old” quarry, between the main road and the electricity line crossing the site to the south. The area of the resource is 1.5 ha, of which about 1.1 ha would be allocated for extraction.

- 4.8 The working area would be divided into four, with extraction from, and restoration of, each area undertaken in a broadly north-south progression. The quarry would only be worked above the water table and as such would not be worked during the wetter winter and early spring months.
- 4.9 Initially soil would be stripped and used to construct new bunds along the boundaries of the site. Topsoil storage areas would be seeded with grass if they are to remain undisturbed for more than twelve months and controlled for weeds. A drainage and haulage route would also be formed in the initial stages of development and would include the provision of a settlement pond, for surface water drainage. Thereafter, stone would be extracted using a single tracked slew excavator and carried to the workshop for cutting.
- 4.10 Stone that is not suitable for building or walling would remain at the site and would be used in the infilling and restoration of the void.
- 4.11 Temporary stockpiles of stone would be no more than four metres higher than the adjacent unexcavated ground.
- 4.12 A small amount of stone would be crushed for the surfacing of the internal quarry track.

Processing

- 4.13 A single storey processing building is proposed to the east of the extraction area close to the pond.
- 4.14 The majority of stone produced would be processed on site by 2 operatives who would cut the extracted blocks into required sizes by hand inside the purpose built building. The cut stone would be exported from the site for sale and distribution elsewhere.
- 4.15 The processing building would measure 18.4 by 9.4m, with a maximum height of 5.6m.

Access

- 4.16 Access to the site would be from Batts Lane, which provides a short connection to the main junction with the A372.
- 4.17 The on-site haul road is proposed to run along the east and north side of the agricultural field, for a distance of about 300m, before entering the quarry.

Hours of Working

4.18 The proposed operational hours at the application site would be:

Mondays to Fridays – 07.00 to 18.00.

Saturdays - 07.00 to 13.00.

Saturday afternoons – no operations, except plant servicing between 13.00 and 17.00.

Sundays and Public Holidays – no working.

Restoration

4.19 The quarry would be progressively backfilled with arisings and stone processing waste to a level which would ultimately be self-draining and which would be restored to agriculture.

4.20 All extracted materials, other than usable stone, would be used to backfill the void in stages as the stone becomes exhausted. All material would be stored separately to avoid mixing.

Other Facilities

4.21 In addition to the processing building, a temporary site office and welfare building, generator and fuel store and parking area are proposed in a compound next to the processing building.

Screening and Planting

4.22 A screening bund is proposed along the northern and north eastern boundary of the site in order to minimise the visual impact of the site when viewed from Hermitage Road.

4.23 Additional tree planting is proposed to the north east of the access track, close to the corner of the Batts Lane/A372 junction to provide further screening.

5 The Application

5.1 Plans and documents submitted with the planning application are set out below:

- Application forms and Notices
- Documents:

- Planning Statement and Appendices dated July 2017;
- Transport Statement dated February 2018;
- Extended Phase 1 Survey dated May 2017;
- Dust Mitigation Scheme dated January 2018;
- Gradiometer Survey, dated April 2018;
- Dewatering Method Statement, dated November 2017;
- Further Supporting Comments, dated October 2018;
- Flood Risk Assessment, dated October 2018;
- Letter Report form Gerard Edwards Ltd, dated 15 October 2018;
- Letter Report from Gerard Edwards Ltd, dated 17 December 2018
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- Drawings
 - Site Location Plan: 596 (00) 01 rev B
 - Existing Site Plan: 596 (00) 02 rev B
 - Proposed Site Plan: 596 (00) 03 rev C
 - Visibility Splay at Junctions: 596 (00) 04 rev A
 - Processing and Storage Building Plans and Elevations: 596 (00) 05

6 Environmental Impact Assessment (EIA)

- 6.1 The Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 2017 refers to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded as “EIA development” and trigger EIA procedures. Consideration must be given to Schedule 2 developments to determine whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.
- 6.2 A screening opinion has been adopted and concludes that the nature, scale and characteristics of the development are not considered likely to give rise to significant effects. However, this is based on information provided in the original application documents. The proposed location of the development does not impact upon any environmentally sensitive areas or geographic areas of importance.
- 6.3 Based on the information contained within the original application documents there would be not be any likely significant effects that would trigger the need for EIA.

7 Consultation Responses Received

7.1 Unless otherwise stated the consultation responses set out below are in response to the originally submitted planning application in September 2018.

7.2 **South Somerset District Council: No objection** subject to the following informative:

The District Council raises no objections in principle but do request that an informative is added to any planning consent, advising the applicant/developer that the grant of planning permission does not prevent the District Council from taken appropriate action in the event of a statutory nuisance being identified.

7.3 **Long Sutton Parish Council: Objection:**

The Parish Council's objects for the following reasons:

1. In the Council's view this application is contrary to SNP5 in that it offers no benefit to community and in fact, according to the acoustic report, would detrimentally change the quality of life for local residents. The economic benefit to the community is minimal in that the application produces a meagre 2 new jobs. This alone suggests the application should be refused.
2. Whilst the Council recognises the advice from the highways department, it is the view of the Council that the traffic implications – movements of lorries onto Batts Lane; noise from lorry movements on site and noise from reversing warning alarms, would accumulatively have a detrimental impact on the surrounding area.
3. The acoustic report is contradictory in that it highlights engine noise, reversing alarms, stone loading and stone cutting as noises that would have an impact that would change the quality of life of local residents, but then argues that this is similar to common agricultural practices, which of course it is not. This is an industrial operation in open countryside.
4. The Council is of a view that the environmental impact is too extreme when measured against the meagre job creation of just 2 new jobs. The hydrology report paints a very disturbing picture of how water would be managed on and from the site in an area where homes to the south of the site are already challenged during heavy rainfall. Furthermore, the detrimental impact on wildlife from a permanent industrial disturbance would be tangible and should not be ignored, again for the meagre level of job creation.

In the event that planning permission is granted the Parish Council would wish to see planning conditions imposed relating to the control of dust, noise, water management, hours of working (excluding weekends), no external

lighting, traffic movements and improvements to the Batt's Lane junction to maintain visibility.

7.4 Environment Agency (EA): Objection

7.5 The EA has lodged 3 consecutive objections to the application. The first, dated 24 September 2018, was in response to the original application and objects on groundwater protection reasons.

Given the nature of the objection, in the context of this Report and the issues raised, it is set out in full below.

We **object** to the proposed development on groundwater protection reasons. This objection is discussed below.

Groundwater Protection

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. It is not clear from the documentation submitted that this application currently meets this test.

We have reviewed the following documents submitted in support of this application

- Building Stone Resources and Working Plan: A Report on the Building Stone Resources and a Working Plan for a Quarry on Land South of the A372 at its Junction with Tengore Lane and Batt's Lane, West of Long Sutton. TA10 9NL, May 2018
- Hydrologist Report 1141 R1 Nov 2017, Dewatering Method Statement
- Geophysical Survey April 2018
- Appendices Borehole and Trial Pit Images

On the basis of the information submitted we object to the application as currently submitted because of the following reasons:

Dewatering and Groundwater Protection

On the basis of the information submitted it is not clear how a condition, as recommended by the applicant would satisfactorily address the issue of dewatering from this activity. In the dewatering method statement it states, under the recommendations, that "it is recommended that a Planning Condition is Sought which permits working the dry deposit but that requires a final dewatering scheme to be submitted 18 months prior to commencement

dewatering”. However section 20.2 of the application form indicates that they are applying for ‘dry’ working only. It is not therefore clear whether the applicant does actually intend to work below the water table or not in a second phase of working and whether they are applying for a permission at this time that would ultimately lead to dewatering.

The premise on which dry working (phase 1) is proposed is that there is a workable Lias Limestone deposit above the groundwater. The extent of this deposit was determined on the basis of groundwater levels measured in two purpose drilled boreholes at the site: four boreholes were drilled in total at the quarry to quantify the resource of which two were completed for groundwater monitoring. Groundwater level data is presented in the report for the period April 2017 to April 2018. The dry deposit has been determined on the basis of the data for April, June, July and August 2017. Any assessment of the dry resource should be based on the maximum groundwater levels encountered, not average. Maximum recorded values have not been used. Further the data record omits the data for November, December 2017 and January 2018. Any shallow, upland, permeable aquifer system such as the Lias Limestone would respond rapidly to recharge in winter months and these months are therefore likely to represent the highest groundwater levels encountered. This omission is therefore possibly significant. The current resource estimation is likely an over estimate. It is likely that the ‘dry’ resource is thinner than predicted in the north of the site and absent altogether to the south. In our view a clear mineral resource thickness (isopachyte) map or section should be provided to clarify the extent of the resource represented as workable dry resource/Phase 1. Additionally an elevation for the base of the dry resource should be established to ensure no misinterpretation of the boundary between Phases 1 (dry) and 2 (wet) as part of the planning permission. A clearly defined boundary between dry and wet deposits would allow appropriate conditions to be recommended.

Historic Landfill / Contaminated Land

The application area appears to partially encroach upon a formerly quarried area that has been subsequently landfilled. No consideration appears to have been given to the risks associated with the former landfill. The risks would be further heightened in the event that any dewatering is undertaken, as this would be expected to mobilise contaminated groundwater. Abstracted water, which may contain contaminants, would then need to be disposed of away from the working area, bringing additional risks. We recommend that the applicant consider what actions would need to be taken to assess the potential risks associated with an area close to/within the application area that has been landfilled and which may be contaminated. This information is needed so that it can be shown that conditions can be recommended at this site to address these potential risks. Conditions are likely to include, but may not be limited to,

undertaking a detailed desk study, site investigations etc., conditions relating to unsuspected contamination, monitoring and a condition relating to the disposal of abstracted water.

Additional Comments

Water interests are described in the report. One unlicensed spring at Charity Farm is described, however no further details are provided for other water sources or features. Environment Agency records indicate that there were four deregulated boreholes or wells within 600m of the southern boundary which should be assessed. Any dewatering assessment should complete a Water interest survey for deregulated sources within an area of potential impact, particularly as this area and this aquifer is characterised by small private supplies. Additionally any dewatering impact should address the risks presented to the SSSI in the valley to the south of the site.

Recharge of dewatering water via trenches as proposed in the method statement should be supported by site soakaway tests. It should be noted that any returned water cannot be discharged directly to groundwater, there must be an unsaturated zone for this purpose. Any site management needs to take this into account in the organisation of the development as there is no unsaturated zone in the south of the site, and any discharge into the landfill may not be permitted. In the event that contaminated groundwater is likely to be abstracted its discharge may be prohibited or subject to restrictions.

If the applicant wishes to discuss the above mentioned comments in further detail then please contact Stuart Oxley (Groundwater and Contaminated Land Specialist) via our enquiries number 03708 506 506.

Environmental Permit - Dewatering

Dewatering for quarry operations is now a licensable activity (previously exempt under the Water Resources Act 1991). We are therefore unable to recommend conditions that might seek to control dewatering, as this activity, if undertaken, would be subject to a licence. There is no guarantee that a licence would be granted. There are a number of complicating factors described to in the above comments that may make the issue of a licence uncertain.

- 7.6 The second response dated 19th November 2018, followed the submission of the Applicant's "Further Supporting Comments" document, which also contained a letter report from Gerard Edwards Limited, dated 15 October 2018:

We **object** to the proposed development on groundwater protection reasons. This objection is discussed below.

Groundwater Protection

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution

We have previously objected to this planning application due to a number of factors, principally though because of uncertainty concerning whether the applicant wished to apply for working the dry deposit only or ultimately the material situated beneath the water table. The reason for this uncertainty is explained on more detail in our letter dated 24 September 2018.

We note that Gerard Edwards Limited, on behalf of the applicant, has provided a letter confirming that there would be no dewatering. Notwithstanding this, it is still unclear from the information submitted how much unsaturated rock and overburden deposits there are at the site, since we have not been provided with data representing a big enough dataset, taken over a long enough period of time, at the right time of the year (when groundwater levels are at their highest). We appreciate that some estimation would be necessary, as any reasonable monitoring period is unlikely to capture the absolute maximum levels but the interpretation provided does not give sufficient reassurance. Therefore, we are not in a position to agree to the applicant's recommendation conditions that would effectively facilitate dry working.

We also remain concerned regarding the nature, distribution and risk associated with the adjacent landfill site. As such we require, as a minimum, a desk study that would enable the applicant to design a site investigation to characterise this feature at the site boundary so that a risk assessment and remedial options can be considered.

Until we receive the information discussed above then in accordance with National Planning Policy we maintain our objection.

- 7.7 The third objection, which is the EA's current position, is dated 10th January 2019:

We **object** to the proposed development on groundwater protection reasons. This objection is discussed below.

Groundwater Protection

We have reviewed a letter sent to your authority from Gerard Edwards Limited, on behalf of the applicant, concerning our objection to this planning application.

The letter is dated 17th December 2018. There are two strands to the letter, firstly groundwater levels and working, and secondly contaminated land.

Groundwater level and working

We note that Gerard Edwards Limited provide additional information concerning the availability of the dry rock resource in the form of further groundwater level monitoring and interpretation of this data. We are therefore willing to remove our objection in relation uncertainty over the availability of the unsaturated rock and have some conditions that we can ultimately recommend to ensure that only dry working is approved.

Contaminated Land

We maintain our position that additional information is needed regarding the contaminative status of the application site and the position of the former landfill site. Gerard Edwards Limited reiterates that the application area is not, as our records would indicate, encroached upon by the former landfill site based on their investigative work. They also state that the material that they encountered was inert. The observations made by Gerard Edwards Limited may well be correct but, given the lack of technical detail concerning the nature and distribution of contaminants, we are of the view that a proper desk study and site investigation are needed to confirm their assumptions. We do have conditions that could be recommended that would facilitate a proper course of action but prior to recommending these conditions we would wish to have certainty that the proposal put forward is viable and does not pose an unacceptable risk to controlled waters. We therefore we maintain our objection until sufficient information is provided. It is likely that, as a minimum, a desk study, a site investigation and further risk assessment would be required for us to remove the current objection. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks.

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, until we receive the information discussed above then in accordance with National Planning Policy we maintain our objection.

7.8 Wales and West Utilities: No objection, subject to informatives:

A number of informatives are proposed, in the event that planning permission is granted.

7.9 South West Heritage Trust (Archaeology): No objection subject to conditions:

The geophysical survey indicates that there may be some potential for buried archaeological remains. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

For this reason, it was recommended that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application.

7.10 South West Heritage Trust (Built Heritage): No objection:

South West Heritage Trust generally support the provision of local building stone that helps to maintain built heritage and the distinctive character of an area if there is no detrimental effect on nearby heritage assets.

In terms of built heritage, Upton Cross, is a thatched and lias built Grade II Listed C17 cottage, located near the proposed site access. South West Heritage is of the view that as the development site is flat and screened by hedges along the perimeter the temporary, relatively small-scale operation of the quarry is not likely to have a negative impact on the setting of this listed building.

7.11 Somerset Wildlife Trust: No objection, comments:

The Wildlife Trust confirm that the application site is an arable field and does not appear either within or adjacent to a mapped Ecological Network. There are however features on site that could be improved.

The Trust support the recommendations of the County Ecologist that repeat surveys should be carried out to ensure that the results of the Phase 1 Ecological Survey are still valid. This includes a reassessment of the Badger setts and a more detailed examination of the trees that have the potential to support bats. The findings of these surveys should inform the wildlife mitigation plan for the site.

The site is within 1km of Wet Moor SSSI and the Somerset Levels and Moors SPA / RAMSAR. The effect of this operation on the designated sites needs to be assessed.

Although no records of Great crested newts (*Triturus cristatus*) were recorded, there are several records within 1km of Somerset Notable species including damselflies, dragon flies and various water beetles. The Trust suggests that, as well as protecting the existing pond, there is scope to create new ponds on site during the restoration phase that could act as valuable habitat for aquatic invertebrates.

There are records of Brown hairstreak (*Thecla betulae*) in the area (within 100m). By restoring the hedgerows surrounding the site and by planting Blackthorn (*Prunus spinosa*) within the hedges, the area could be enhanced for this species. Management should be on rotation and hedgerows should not be flailed every year.

7.12 Ecological Advisor: No objection, subject to conditions:

The County Ecologist has reviewed the information submitted with the applications Abbas Ecology and confirms no objection to the proposed development subject to the imposition of conditions relating to the submission of a Construction Environmental Management Plan, managed hedgerow removal and a wildlife management plan.

7.13 Transport Development: No objection subject to conditions:

Transport Development has considered the following matters, while assessing the suitability of the proposed development in highways terms;

- 1) Appropriate vehicle visibility splays can be provided by undertaking improvement works
- 2) The access to the site can be improved to limit the impact on Batts Lane
- 3) The level of use of the access is stated as being no more than four lorry movements (ingress and egress) per day

The proposed development and proposed access arrangement and vehicle movements are not considered by Transport Development to give rise to highway safety or efficiency issues. In the event of planning permission being granted a number of planning conditions were proposed.

7.14 Acoustics Advisor: No objection, subject to conditions:

The Acoustic Advisor initially considered that the levels of noise arising from aspects of extraction and processing would suggest them to be audible and potentially distinctive and in contrast to the present noise environment. The expected impulsive noise from guillotine processing of stone has the potential

to be very distinctive if building containment is ineffective. In my view these levels and characteristics of operational noise justify the classification of development impact as '**potentially noticeable and intrusive**' as this noise would be likely to affect the present acoustic character of the area and result in a perceived change in the quality of residential amenity. However, under the guidance on the NPPF this level of impact would, in his view, not support a planning noise objection, but would justify a planning requirement for effective noise mitigation measures.

As a result, and in the event that planning permission is granted, planning conditions relating to the submission of a Noise Prevention and Mitigation Strategy, maintenance of the surface of the access track, fitting of broadband or 'white noise' reversing alarms on equipment and written agreement to any increase in the number and size of processing plant were suggested.

7.15 A Supplementary email report was submitted by the Acoustic Specialist I response to an objection from a local resident (this is set in full):

I have now looked at the letter dated 15/11/18 from (redacted) and I would make the following comments to his acoustic points (shown in italics):

'Reference is made in the introduction to NPPF 'advice', 'framework' or 'guidance' documents which figure in the report's conclusions starting on Page 6. It is important to have in mind that these are indeed only for guidance and are not set in stone: their use must also take account of local conditions and sentiment'. I agree and it is for a planner and committee to balance the many issues that might include local conditions and sentiment. However, my advice must be based on the noise issues and the sufficiency of these issues to justify a planning objection in the context of NPPG-Noise and associated mineral advice within the general presumption to grant development consent when possible.

'The first point I take strong issue with is the statement at the end of the third paragraph on page 5, "In my view the impact from HGV traffic is not significant to planning". I am well used to HGV and farm traffic that turns into or out of Hermitage Road and then accelerates away. This can easily halt conversation in our sitting room and I estimate the acoustic level of the worst examples to be at least 85dB(A), i.e. very loud and much louder than the peaks said to be caused by HGVs of the blue graph in the report's Figure 1'. The closest pass-by separation distance on Hermitage Road is 8m compared with 11m on the A372 and 20m to the junction. I would not disagree that worst examples of tractor noise might appear distinct within the property even with windows

closed. The primary impact of HGV would arise from accelerating movements on the public highway at the junction and while it is possible that some vehicles below the 7.5tonne restriction might attempt to pass the property along Hermitage Road, most would pass at greater distance as they headed east or west. Clearly vehicles from this quarry would combine with other existing traffic and may pass as close, or closer to other properties fronting public roads. The question with this development might then be twofold in that, is this degree of additional HGV impact significant to existing noise and, does the clear association of this aspect of noise with the development have greater planning implication than at other locations? I consider these limited distinctive impacts are not sufficient to object to the development.

'Additionally within that 3rd paragraph, Mr Highfield has attempted to apportion the amount of existing HGV traffic within the traffic as a whole, and he estimates that there would be "no more than a 2% addition to existing movements". For two reasons I again I take issue. The quarry's HGVs would not only be using their new track to the quarry which would be immediately in front of us, but they would also be shunting and turning and then accelerating away from Batts Lane, when they would be making the most noise. Therefore, 'accelerating away noise' should be treated more as if it were a distinctive noise rather than part of the general hubbub of traffic, thereby rendering it intrusive'.

I would agree that clearly the selection of the access route to the site would not appear to be the acoustically most favourable choice. Noise from a departing lorry at the junction would naturally appear distinctive to this resident because safety would generally dictate it would only take place when no other masking traffic noise events occur. This distinctive characteristic would also be expected to arise with any farm vehicle or LGV/HGV junction traffic. In a similar way the proximity of the property to the main road would also dictate that pass-by noise from fast moving traffic would appear distinct due to rapid rise and fall in level. The application suggests there to be low HGV traffic expectation with days of no activity with the typical number of HGV departures indicated to be 1 per day rising to possibly 5. These numbers would compare with 270 existing HGV pass-by events and as such the extent of distinctive acceleration noise would appear only a small addition to other distinctive traffic noise events. The movement of HGV along the newly created site access would, by necessity be at far slower speed with an associated reduction in engine noise.

'Secondly, the comparison with "existing movements" effectively says that because we are putting up with a high noise level already (see Page 3), more noise can be added without causing too much additional nuisance'.

This statement is correct and the consequence of having a residence close to an "A" road is that traffic noise would inevitably increase annually. Assessment of noise impact under the Design Manual for Roads and Bridges would classify a negligible road scheme effect when average noise changes by no more than 1dB in the short term or 3dB in the long term. For there to be a minor effect at commencement of a road project there would need to be more than a 1.27 times growth in the contributors to that noise. If existing HGV were considered the sole cause of noise, this growth would equate to an additional 73 HGV movements. Therefore the effect of between 1-5 site HGV would seem unlikely to alter averaged traffic noise to a point of planning significance.

'Turning to Mr Highfield's conclusions on Page 7, I could never agree that noise levels of 10dB above the ambient level, or near 55dB(A), are acceptable'.

While I would also agree in certain contexts this is Government policy and this would form the basis for any appeal against a planning refusal and so dictates planning consideration. In the case of a stone quarry the occurrence of noise would also be expected to be sporadic and often well below such limits.

'I believe it is irrelevant and actually meaningless to subtract 11dB from impulsive noise measurements in order to arrive at some kind of average figure, and then to say that this is below a particular limit'.

I would agree and sadly planning guidance provides no adequate way to relate the aspects of impulsive noise from processing to the suggested limits of acceptability. This point is to some extent less important as my predictions would indicate that maximum noise from contained stone breakage would not greatly exceed background noise.

'Regular impulsive or percussive noises at high level would always be more intrusive than their average level'.

I agree with this but actual noise when contained under an agreed scheme need not be at high levels.

'We have little detail of the building in which the stone processing would be carried out except that it would be a steel construction, and we are asked to believe that noisy machinery would not be operating while access doors are open'.

Insertion loss was assumed to be 15dB for an enclosure and levels might be expected to be 5dB greater if doors were to be open yet provide no direct line of sight. There would appear reasonable scope for design and local noise

mitigation to minimise noise breakout. While the distinctive character of mineral extraction and processing noise is clearly not desirable in the rural locations where it takes place, it is not a planning objective to make such development inaudible.

'The first sentence of Mr Highfield's recommendations on Page 8, "Within 6 months ..." reads like an attempt to subvert the planning decision because it plants in the mind that permission would be granted. I consider it outrageous if that is really what he meant to say because it would be a corruption of the planning system. At the very least it is putting the cart before the horse to suggest that planning permission can be granted before the submission of an approved "NOISE PREVENTION AND MITIGATION STRATEGY". Surely, this must be done, and signed off, before even talking about permission? Then, if it is granted, it must be demonstrated when in operation subsequently that it is being carried out, and that it is effective and in accordance with Mr Highfield's expected attenuation figures.'

The planning presumption is that development should be permitted to take place unless there are substantive reasons to object. I did not consider this to be the case with respect to the noise impacts associated with either the mineral extraction or the processing expected from the development. However the noise impacts would in my view justify a requirement to mitigate noise as far as reasonably possible and conditions were therefore suggested accordingly. These conditions would, among other things, prevent uncontained noise from processing until sufficient measures had been defined and agreed, and it is common to indicate how a consent might be deemed acceptable.

Omitted from the report is the noise that would be caused while establishing and maintaining the track between the quarry proper and Batts Lane, and the quarry buildings and facilities. Then there is the view-blocking bund which I now understand would be made with earth removed from the quarry area. Because of its proximity to us I suspect that the noise of building the bund would be greater than that of any quarrying activity'.

The works described and those associated with quarry preparation would be classified as temporary development measures within mineral planning guidance. The construction of access route and its bunding would be expected to represent the worst of this noise but would be short lived. In the context of the submitted application the presence of bunding would provide both acoustic and visual benefit over the life of the consent. Mineral advice would advocate that temporary noise of up to 70dB(A) was acceptable during temporary operations provided they did not exceed 8 weeks duration. This level of noise could arise while a large slew operated at 20m from the property but levels

would quickly decline as separation distance increased. This level of noise would be similar to the Lmax levels resulting from 4% of traffic noise events determined by my measurements at 17m from the A372 centreline.

7.16 Engineer/Geologist: No objection subject to conditions:

7.17 Peter Brett Associates (PBA) were consulted in respect of the geological and engineering aspects of the application. As with the EA, they made 3 separate responses following the additional details submitted by the Applicant. Given the nature of the issues raised in the Committee Report, the responses are set out in full:

7.18 The first response, set out below, was in relation to the original application documents:

1. STONE RESOURCES

We have reviewed the resources assessment given in "*A Report on the Building Stone Resources and Working Plan for a Quarry on Land South of the A372 at its Junction with Tengore Lane and Batt's Lane, West of Long Sutton*" dated 21st June 2018, prepared by Gerard Edwards Limited.

We advise that the resource assessment is supported by data from 4 boreholes and one trial pit, which is reasonable for a site of this size. We recommend that the total resource assessment (wet and dry working) undertaken is acceptable for the purposes of this application. However, please note the comments below about the volume that can be worked above the groundwater table.

2. LAND CONTAMINATION

Historical data in the Building Stone Resources Report has identified an EA historical landfill on part of the Application Site infilling a former quarry. Waste infill was confirmed by trial pitting and trenching. The origin and provenance of the waste is not known. Access road, stockpiles and buildings are to be placed over the waste infill as part of the proposed development.

In order to comply with the requirements of NPPF (2018) Clause 178 and the definition of "Site Investigation Information" in the Glossary Page 71, we recommend that a contaminated land risk assessment is required. The assessment would need to determine the level of contaminated land risk arising from the development in respect of receptors of human health, controlled waters including groundwater, the natural environment (nearby SSSIs etc) and

the built environment; soil, groundwater and soil gas contamination should be included.

Whether the appropriate contaminated land assessment should be undertaken before consent is granted, or whether the assessment can be secured as a pre-commencement planning condition is a judgement for each specific site depending on the end use, likely severity of the risk to the identified receptors, and whether any remediation or mitigation measures likely to be required are likely in themselves to give rise to significant planning considerations.

Given the topographical and environmental site setting, the geology and hydrogeology, and the likely nature of contamination present, we are of the opinion that the matter can be addressed by pre-commencement planning condition for this application. Standard forms of contamination pre-commencement planning conditions are available, that can be edited as necessary. We would be pleased to assist in drafting.

3. HYDROGEOLOGY AND GROUNDWATER

Environment Agency are the regulatory body and statutory consultee in respect of protection of groundwater and the MPA would normally defer to their consultation response.

The application documents are specific in that sub-groundwater table extraction of stone would not take place for Phase 1 of the workings which is the current application. However, we have concerns about the groundwater level monitoring data supporting the concept that the volumes of stone under Phase 1 can be worked in dry conditions. The data is from April to August 2017 and as such is unlikely to represent the highest groundwater levels that would be experienced at the site. With a requirement to maintain the base of the quarry above the highest groundwater level there may be a much lower volume of stone available for extraction in Phase 1 than suggested by the Applicant.

Accordingly and to avoid any doubt, we recommend a planning condition is included to specifically exclude sub groundwater table extraction during Phase 1. A separate planning application is planned for Phase 2 of the quarry, which would require dewatering and sub-water table working.

If an Application for Phase 2 is intended in the future then a detailed groundwater risk assessment would be required to support that application. The assessment would need to address the consequences of the sub-water table development on groundwater levels and flows, baseflow to springs and watercourses, designated conservation sites etc, and any potential water

quality/ groundwater contamination effects given the adjoining historical landfill. Additional groundwater level monitoring points are likely to be needed together with a survey of springs and any unlicensed private abstraction in the area, permeability testing, a long term programme of monitoring to assess seasonal variations, and water quality sampling and testing. The groundwater risk assessment should be accompanied by a long term monitoring plan.

The planning authority may wish to consider adding an informative to the Phase 1 consent (if granted) such that the Applicant recognises and addresses the data needed for the Phase 2 groundwater assessment during the intervening period.

The Dewatering Method Statement suggests that the existing pond as present in part of the former quarry can be used to receive the water abstracted from the Phase 2 sub groundwater table working. This may be the case but would be subject to an assessment of the likely effects of this discharge on any contamination present in the adjacent landfill.

4. RESTORATION

The Stone Resources and Working Plan Report contains a detailed volumetric analysis of stone likely to be exported from the site, and an assessment of the unusable rock and soil that would be returned to the void as backfill for restoration.

Bulking factors have been applied to the topsoil, the overburden, the interburden and the rejected processed stone that would be returned to the void. Applying these bulking factors results in only a small deficit of material for restoration equivalent to a 0.36m change in ground level after restoration. That is there is only enough material to bring levels up to within about 0.4m of the current ground level.

The bulking factors are based on iterative review and are not site specific, however we can advise that the factors used are not unreasonable.

However, as quarrying and infilling progresses, site specific data on the volume occupied by the infill can be gathered and the bulking estimate revisited. This would be important to ensure that the final proposed restoration landform, as consented, can be delivered without the need to export any surplus material, or import any shortfall in material. We recommend a volumetric analysis and review every four years, secured by planning condition. Para 6.13 of the Planning Statement accepts a requirement to review restoration levels.

Your landscape and drainage consultants, amongst others, should advise as to whether the restoration landform described in Paragraphs 9.27 and 9.28 of the Building Stone Resources Report and Drawing GEL 56A are acceptable

5. DRAINAGE

Section 10 of the Stone Resources Report and Working Plan states surface water in the extraction area would be managed and diverted to a "settlement pond" at the lowest point of the quarry where it would soakaway to the ground. This is acceptable from a hydrogeological / groundwater perspective provided that an appropriate level of control is in place to prevent contamination entering groundwater.

The most likely source of any possible contamination is from fuel, lubricants, hydraulic oil etc from site plant. In this respect we recommend that surface water management / mitigation / pollution prevention proposals are required to be incorporated in a the Working Plan or Environmental Management Plan for the site. Such provisions to include but not limited to:

- No fuelling or maintenance / repair of plant or transport within the extraction area : such operations to be undertaken within a suitably designed bunded and drained hard standing area with the site office compound
- Suitably designed fuel and lubricant storage facilities
- Emergency Plan for dealing with spillages, spill kits etc
- Checks and inspections, training, notifications etc

Even though the Application Site is in Flood Zone 1, it exceeds 1ha and therefore a Flood Risk Assessment is required, but has not been provided. Also we note that drainage strategies and mitigation proposals for the access road and the site office, processing building and compound area during the operational phase have not been provided and that there is no drainage strategy discussed for the final restored landform of the new quarry.

PBA advise that drainage strategies, especially for development over the historical landfill, should ensure that the proposals do not give rise to any additional risk of groundwater pollution.

6. SOIL RESOURCES

NPPF (2018) Clause 170 states planning decisions should protect and enhance soils. The proposed development would disturb an area of agricultural

soil whose characteristics and value as a resource have not been assessed by a soil scientist in the documents submitted in support of the Application.

Proposals for topsoil and subsoil stripping, handling and stockpiling are given in the Application documents and are broadly acceptable, though somewhat vague in respect of "consistent and good practice" (Stone Resources and Working Plan Report Para 9.10). Good practice is defined in standards and guidance such as 8S3382 (2015), BS 8601 (2013) and DEFRA "Construction Code of Practice for the Sustainable Use of Soils in Construction Site (2009), and we suggest the Planning Authority seeks confirmation that such guidance is identified and committed to by the Applicant.

Accordingly, we recommend a pre-commencement Planning Condition to the effect that a Soil Resources Report is required, together with an enhanced Soil Management Plan / Soil Resources Plan to form part of the overall site working plan.

7.19 PBA's second response was in respect of the additional information submitted by the Applicant in October 2018:

A. LAND CONTAMINATION (Old Landfill)

Clive Miller Planning on behalf of the Applicant addresses this topic in Paragraph 26 of their "Further Supporting Comments", and by reference to the final paragraph of Gerard Edwards Limited letter 15th October 2018 that pre-dates our consultation advice 16th October 2018. The additional supporting comments appear not to address our concerns in respect of land contamination associated with the old landfill present within the application site. Our concerns were presented in Sections 2 (Land Contamination) and 5 (Drainage) of our letter 16th October 2018.

Central government policy in respect of potentially contaminated land is to manage the risks through the planning process whenever possible. NPPF (2018) Clause 178 and 179 apply, together with the introductory paragraphs of Planning Practice Guidance on "Land affected by Contamination" (2014).

In order to comply with these requirements we have advised that a contaminated land risk assessment is required. PBA accepts that the old landfill is not within the area proposed for extraction of mineral but the old landfill is within the Application boundary. Access road, hardstanding, stockpiles and buildings are to be placed on the old landfill as part of the proposed development.

As such the status quo would not be maintained and the proposed development could change the level of risk to human health, controlled waters, the natural environment and the built environment associated with the old landfill. Changes to the drainage of the immediate area of the landfill are likely with the presence of new access roads and hardstandings, building and stockpiles would introduce new surface applied loads to the waste, and new receptors (site staff) would be present giving rise to longer periods of human exposure to any health hazards.

New pollutant linkages may be generated. Whilst the Flood Risk Assessment submitted as additional information addresses the drainage strategy for the extraction area, it does not present a drainage strategy for access road, hardstandings and buildings that would be present over the old landfill. Changes in infiltration and surface water drainage often give rise to new pollutant linkages.

Environment Agency (EA) raise the same points on Page 2 of their letter 24th September 2018, though they note risks would be heightened in the event dewatering is undertaken. The Applicant has clarified that dewatering would not be undertaken under this application, however that does not mean that contamination risks associated with the old landfill do not need to be assessed.

We repeat our opinion that this matter can be addressed via a pre-commencement planning condition, and it is noted that controlled waters (as a potential receptors) fall within the EA regulatory remit. However, controlled waters are not the only receptor that needs to be considered in the risk assessment.

B. HYDROGEOLOGY AND GROUNDWATER (Section 3 of our letter 16th October 2018)

PBA concerns about the groundwater level monitoring data, and the volume of stone that can be extracted without dewatering are reflected also in the EA objection 24th September 2018. Gerard Edwards Limited letter 15th October 2018 has been submitted to address this point. The MPA may defer to the EA on this particular point. We remain of the opinion that a planning condition specifically excluding sub groundwater table extraction is advisable.

C. RESTORATION (Section 4 of our letter 16th October 2018)

Paragraph 27 of "Further Supporting Comments" accepts on behalf of the Applicant our comments 16th October 2018 and the planning conditions recommended.

D. DRAINAGE (Section 5 our letter 16th October 2018)

Paragraph 28 of "Further Supporting Comments" accepts on behalf of the Applicant our advice in respect of surface water management and pollution control. However, please note an outline/ drainage strategy for the access road, hardstandings and buildings would be required in order to inform the contamination risk assessment for the old landfill.

E. SOIL RESOURCES (Section 6 our letter 16th October 2018)

Paragraph 29 of "Further Supporting Comments" accepts on behalf of the Applicant our recommendation for a planning condition relating to Soil Resources and a Soil Management Plan.

- 7.20 The third response and the current position of PBA was submitted on 8 January 2019 in respect of further information submitted specifically Gerard Edwards Limited (GEL) letter 17th December 2018:

Thank you for requesting our advice in respect of further information submitted in respect of this Application — specifically Gerard Edwards Limited (GEL) letter 17th December 2018, uploaded to the planning portal 20th December 2018.

Most of the GEL letter 17th December deals with Environment Agency (EA) concerns in respect of protection of controlled water (groundwater), and how much stone can be extracted without sub groundwater table working. This is within the EA regulatory remit and PBA has no further advice other than that in our letters 16th October and 13th November 2018.

Section 2 (Paragraphs 2.1 to 2.8) of GEL letter 17th December address the potential contamination hazard presented by the old landfill on site.

EA in their objection letter 19th November 2018 require a desk study to be undertaken 'that would enable the applicant to design a site investigation to characterise this feature at the site boundary so that a risk assessment and remedial option can be considered'.

PBA letters 16th October and 13th November 2018 echo the EA concerns from the perspective of human health risk (a matter for the Planning Authority) as well as any risk to controlled water (the EA regulatory remit).

Paragraphs 2.2 and 2.6 of GEL letter 17th December note the landfill does not have a formally engineered clay cap over the waste, which raises further concerns in respect of human health, particularly to site staff. In the absence of contamination sampling and testing of the waste, PBA does not agree with GEL statement in Para 2.6 of the letter 17th December 2018 that the landfill is a "low risk source".

PBA is also concerned about GEL's comment in Para 2.8 that suggests a desk study alone would be adequate to assess the risk presented by the old landfill. A desk study is the first step of the site characterisation and assessment process and can be used to screen out further stages of investigation and assessment if there is no potential source of contamination present. However for this particular site where the presence of the landfill waste has already been established, the main purpose of the desk study is to provide a basis for design of the intrusive site investigation and testing required as the second phase of the contaminated land risk assessment process. PBA would agree with the EA inference that a site investigation of the landfill is necessary.

Our advice is that the further intrusive investigation and testing of the landfill waste, any leachate, the ground gas present and the condition of the groundwater below could be secured by pre-commencement planning condition.

EA in their letter 19th November 2018 appear to be suggesting that the desk study and design of the site investigation needs to be undertaken before planning consent is granted, with, presumably, the approved scope of investigation and further risk assessment itself being undertaken post consent under a pre-commencement condition.

The slightly different timing in the EA approach for some of the studies required may be adopted if the Planning Authority prefers. PBA has no strong views as to whether the desk study and design of the site investigation are undertaken before or after consent. If undertaking that first phase of work pre-consent allows the EA objection to be removed then that would be a reasonable approach, and it provides some certainty that the scope of site investigation and assessment proposed and agreed would be delivered before development commences, together with any remedial or mitigation works required. We are, however, firmly of the opinion that intrusive ground investigation, sampling and testing of the landfill is required before any development commences in order to assess the level of risk to human health and controlled waters.

7.21 Minerals and Waste Policy: Concerns raised (Initial Response), no objection as a consequence of additional information submitted.:

Mineral and Waste Policy considers that the creation of two new fulltime jobs would seem to be an adequate level of economic benefit in relation to the scale of the proposed development, when considering compliance with part (i) of Policy SMP5

It is considered that the additional information addresses the need issue in terms of Blue Lias generally and the need for lighter stone in the Long Sutton area by reference to recent development using a darker stone that does not match what has traditionally been used. The applicant notes the Blue Lias from the proposed site is lighter in colour than that from other quarries in the area and as such, is in keeping with the traditional vernacular of Long Sutton and surrounding villages. We consider this also addresses the community benefit in terms of supporting local distinctiveness.

Minerals and Waste Policy are satisfied that the supporting information provided by the applicant justifies the proposal in terms of criteria (a) and (b) of SMP5.

Previous concerns raised about restoration arrangements are considered to be addressed, in accordance with Policy DM7.

7.22 Air Quality Specialist: No Objection

7.23 Local Lead Flood Authority: Further detail requested and support concerns of EA on groundwater.

The LLFA comments are set out in full below:

We would like further detail on how ground and surface water is to be managed onsite showing viability of the surface water drainage strategy.

Please see below for details:

- Any new buildings or change to permeable or impermeable area should be designed for and show surface water drainage provisions.
- Any potential impact to the hydrology of the area should be considered and managed.

- There should be further clarity regarding discharge rates, point of connection and attenuation volumes. If the settlement pond is proposed to provide infiltration, this needs to be proven viable. Drainage strategies should review the existing greenfield conditions and mimic existing drainage conditions as far as reasonably practical. Discharge rates should normally be limited to pre-development (greenfield) conditions, however, if required by the IDB it may be necessary to restrict discharge rates further.
- We note the comment “There is no proposal to directly discharge into the internal drainage board (IDO) drain as the likely requirement for drainage is to maintain greenfield flow.” However, the IDB’s byelaws may apply and they should be consulted accordingly.

“Control of Introduction of Water and Increase in Flow or Volume of Water:
No person shall, without the previous consent of the Board, for any purpose, by means of any channel, siphon, pipeline or sluice or by any other means whatsoever, introduce any water into the District or, whether directly or indirectly, increase the flow or volume of water in any watercourse in the District.”

- We would also recommend details of the planned hydrological regime post decommissioning to ensure no increased flood risk to people or properties.
- We have noted the comments made by the EA regarding groundwater and support the concerns raised.
- We would be expecting to see further phasing and operational details showing how surface and ground water will be managed during each phase of the development, as well as information of maintenance of drainage systems during any phases, and for the lifetime of the development. This should also include provision of details of flood water exceedance routes both on and off site. (Please note no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties).
- We would also like further details about the measures in place to prevent pollution of surface water/groundwater during each phase of the development.
- Details of any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- We draw your attention to the Flood Risk Assessment dated October 2018, and believe that this link would provide a more robust outline of surface water flood risk for the site <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>, than that currently shown.

8 Public Comments

8.1 There were 14 representations from local residents. These were all objections covering the following issues:

- Residents living in proximity to quarries can potentially be affected by dust up to 0.5km from the source so clearly applicable here, despite the dust mitigation schemes detailed
- The development would be industrial and not suited to a rural area
- Disturbance from traffic would be experienced along routes leading to the quarry
- Noise created by quarrying and that generated by additional HGV traffic movements would prevent neighbouring villagers from enjoying the quiet amenity of their homes.
- The visual impact of the quarry and buildings would spoil the area
- The access to the site via an entrance in Vidal Close/Batts Lane is entirely inappropriate.
- The access onto the A 372 is very poor and compounded by the average speeds of traffic approaching Long Sutton from the Langport direction
- 'Reopening of former quarry' is effectively semantics. When stone was last quarried from this site many of the adjoining residences had not even been built and must now be judged on conditions prevailing in 2018 not as they were sometime back in the early part of the last century.
- Screening bund would be of minimal use in camouflaging the industrial site proposed.
- The only beneficiary would be the landowner
- There is a working quarry in Upton for this purpose and this is in an entirely appropriate location
- If mining activity extends into phase 2 of the proposed operations, then the disruption to the local community would be extended to 30 years with a target of 50,000 tonnes of stone being removed. This timescale is the remainder of our lives but at either level is clearly unacceptable.
- Batts Lane is used for walking horse riders, dog walkers and families - having trucks to the quarry in Batts Lane would wreck this setting
- The quarry would have a negative effect on holiday lets in the locality; guests use the local lanes sometimes in large groups and it would be dangerous if they were to encounter large lorries
- Quarry would affect the setting of a listed building (Upton Cross)
- Proposed bund would tunnel dust towards Upton Cross
- The quarry would affect property values
- Proposes development cannot be regarded as temporary
- The proposal has too many inconsistencies and lacks of actionable plans to mitigate impacts.

9 Comments of the Strategic Commissioning Manager

9.1 This application relates to the “re-opening” of a former quarry at Batts Lane, Long Sutton. The quarry would produce blue Lias limestone, at a rate of 2-3000 tonnes a year. The quarried stone would be cut and stored on site in a purpose built stone processing and storage shed before being transported away. Dry working of 29,000 tonnes of stone would take between 10 and 15 years.

9.2 The Development Plan

9.2.1 Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. Relevant policies may be found in the Somerset Mineral Plan (SMP), adopted February 2015 and the South Somerset Local Plan (2006 - 2028) adopted on the 5th March 2015 (SSLP). Also taken into account is the National Planning Policy Framework (NPPF), published in July 2018.

9.2.2 The revised NPPF reiterates that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

9.2.3 The overarching Policy for determination of the application is SMP Policy SMP5:

Planning permission for the extraction of building stone would be granted subject to the application demonstrating that:

- a) the proposal would deliver clear economic and other benefits to the local and/or wider communities; and*
- b) there is an identified need for the specified stone; and*
- c) the nature, scale and intensity of the operation are appropriate to the character of the local area; and*
- d) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.*

Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c.”

9.3 Principle/Need for Development

9.3.1 Policy SMP5 states that planning permission for the extraction of building stone would be granted subject to the application demonstrating compliance with parts a)-d) of the Policy. The construction of the Policy is an important consideration. The use of the word ‘and’ between a), b), c) and d) means that

each element is not mutually exclusive. Proposals for the extraction of building stone must comply with all parts of the policy text.

9.3.2 Policy SMP 5 also states that land has been identified as an Area of Search (AoS) for the extraction of building stone as shown on policies map 1c. The Application site lies just outside an Area of Search. This is acknowledged by the Applicant in the Planning Statement.

9.3.3 Planning Practice Guidance states that *Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):*

1. *Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;*
2. *Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or*
3. *Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.*

9.3.4 The application site is not a designated site, a designated preferred area of a within a designated area of search.

9.3.5 There is nothing in the supporting text that assists in defining the relevance of the final sentence of the policy. Although the Policy does not explicitly state that a proposal for building stone extraction is required to be in an Area of Search, the fact that it is not, is a factor to include when considering the planning balance.

9.3.6 The quantitative need and the four specific criteria included in the Policy are considered below.

9.4 **Need**

Quantitative Need

9.4.1 Need, in this case would relate to the quantitative need for the stone and its quality. Policy SMP5 requires that an application should demonstrate an identified need for the building stone, in this case Blue Lias. The supporting text to the policy SMP5 states that:

Need may be demonstrated by evidence of the current and future market for the stone, taking into account:

- *the extent of the historical use of the stone (for example in buildings, settlements, Conservation Areas or heritage conservation uses); and/or*
- *projected use of the stone for new build purposes, including buildings, extensions, walling, paving and other uses.*

- 9.4.2 While there is a history of extraction at the site, this is confined to history up until WWII, with no extraction in recent years. The site's historical use as a quarry has little relevance in planning terms other than the consequence of geological reserves.
- 9.4.3 Notwithstanding that point, the Applicant confirms there is an identified need for the stone and a local shortage. In response to concerns from the Planning Policy Team, the Applicant provided additional information on need drawing attention to the need to safeguard stone Blue Lias stone reserves,
- 9.4.4 The Applicant provided information on background context and the County's Topic Paper 2: Building Stone (SCC Minerals and Waste Development Framework, December 2012) which sets out an assessment of need, albeit over 6 years old, and criteria for selecting future sites.
- 9.4.5 The Topic Paper places weight on the distinctive character of the stone and its requirement to retain the local vernacular. This is acknowledged in South West Heritage Trust consultation response.
- 9.4.6 The local importance of the stone is also reflected in the extensive safeguarding areas provided for in the Minerals Local Plan. Safeguarded areas are not to be confused with Areas of Search. Safeguarded areas are intended to ensure that future built or other development does not prejudice the ability to extract minerals reserves in the future. Areas of search are a tool that directs to appropriate locations for extraction.
- 9.4.7 The evidence provide by the Applicant is qualitative.
- 9.4.8 In terms of how much blue Lias should be produced or is needed on a county wide level is difficult to quantify.

9.4.9 There is a current planning application, which is seeking planning permission for extraction of Blue Lias stone at Touts Quarry, Tout Lane, Somerton (SCC/3539/2018).

9.4.10 The available evidence indicates that the only two sources of Blue Lias stone currently are at Ashen Cross (4.1km north east of Batts Lane) with an output of 6,000 tonnes per annum and an expiry date of 2042 and from Bowdens Lane, similar distance, with an output of 1,500 tonnes per annum and a 2042 expiry.

9.4.11 In the event that Tout Quarry is granted planning permission, this will provide on average 3-4,000 tonnes per annum to June 2050. This site is about 9km northeast of Batts Lane.

9.4.12 The Batts Lane quarry would produce a maximum of 5,000 tonnes per annum, but more likely to be between 2000-3000 tonnes per annum according to the Applicant's agent.

9.4.13 While the Applicant has not demonstrated any quantitative need for a new quarry in this locality, the available evidence indicates that current supply of Blue Lias stone in Somerset is constrained in terms of numbers of operational quarries and the range of products that are available.

9.4.14 The Minerals and Waste Policy Team are content that an identified need has been demonstrated in terms of Policy SMP5.

9.5 **Benefits**

9.5.1 In addition to need, the Applicant also has to demonstrate that:

"the proposal would deliver clear economic and other benefits to the local and/or wider communities;"

9.5.2 Any perceived benefits presented by the Applicant are not shared by local residents.

9.5.3 An objection from a local resident provides evidence of the financial impact on their business:

"It would have a very negative effect on our business in which we have over 3000 guests annually and employ 6 permanent people and up to 10 temporary staff in peak season. We would estimate that the business generates at least £500,000 annually for local business such as shops, chefs, pubs, cafes, activities, beauty therapists, attractions and food and drink"

producers on top of the income that we make and that allows us to employ these people and use many local contractors. All of which could be jeopardised by this application”.

- 9.5.4 This view is reiterated by the Parish Council, who state in their representation that:

In the Council’s view this application is contrary to SMP5 in that it offers no benefit to community and in fact, according to the acoustic report, would detrimentally change the quality of life for local residents. The economic benefit to the community is minimal in that the application produces a meagre 2 new jobs. This alone suggests the application should be refused.

- 9.5.5 In terms of economic benefit, 2 full-time jobs, equating to one full time job over a year are proposed. This is as a result of closure of the quarry for around 6 months. Notwithstanding local objections, the Minerals and Waste Policy Team are content that the provision of jobs in a rural area is an adequate level of economic benefit, considering the scale of the proposal, when considering part (a) of Policy SMP5. In addition, local and wider community benefits are considered to be provided in terms of the stone supporting local distinctiveness.

- 9.5.6 As a consequence, in planning policy terms, it is considered that the proposal complies with part a) and part b) of Policy SMP 5. This leaves consideration of parts c) and d) and the wider development management policies.

9.6 **Contamination/Water resources**

- 9.6.1 SMP Policy DM4 relates to Water Resource and Flood Risk, and among other things seeks to ensure that development would not have an unacceptable adverse impact on the quality of any ground or surface water resource; and flood risk.

- 9.6.2 South Somerset District Council Local Plan Policy EQ7 states that:

“Development that, on its own or cumulatively, would result in air, light, noise, water quality or other environmental pollution or harm to amenity, health or safety would only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals”

- 9.6.3 The Environment Agency Flood Maps for Planning show the site as being located within Flood Zone 1; where there is a low probability (less than 1 in a 1000 annual probability of river or sea flooding in any year).

- 9.6.4 The South Somerset SFRA considers the working and processing of minerals to be less vulnerable development. This is based on the NPPF Technical Guidance.

9.6.5 In the Further Information Document the Applicant included a Flood Risk Assessment (FRA). This concludes that as the site is located in Flood Zone 1, the NPPF Technical Guidance and the South Somerset SFRA confirm that less vulnerable development is appropriate and it is not necessary for an Exceptions and Sequential Test to be undertaken. SSDC has raised no objection to the application. It is therefore considered that that there would be no flood risk implications from the proposal.

9.6.6 The EA, in their initial response to the application observed that:

The application area appears to partially encroach upon a formerly quarried area that has been subsequently landfilled. No consideration appears to have been given to the risks associated with the former landfill. The risks would be further heightened in the event that any dewatering is undertaken, as this would be expected to mobilise contaminated groundwater. Abstracted water, which may contain contaminants, would then need to be disposed of away from the working area, bringing additional risks.

9.6.7 In response Gerard Edwards Ltd (GEL) sent a letter report to the Applicant's agent to address the EAs concerns. However, the EA responded to this as follows:

We note that Gerard Edwards Limited, on behalf of the applicant, has provided a letter confirming that there would be no dewatering. Notwithstanding this, it is still unclear from the information submitted how much unsaturated rock and overburden deposits there are at the site, since we have not been provided with data representing a big enough dataset, taken over a long enough period of time, at the right time of the year (when groundwater levels are at their highest). We appreciate that some estimation would be necessary, as any reasonable monitoring period is unlikely to capture the absolute maximum levels but the interpretation provided does not give sufficient reassurance. Therefore, we are not in a position to agree to the applicant's recommendation conditions that would effectively facilitate dry working.

We also remain concerned regarding the nature, distribution and risk associated with the adjacent landfill site. As such we require, as a minimum, a desk study that would enable the applicant to design a site investigation to characterise this feature at the site boundary so that a risk assessment and remedial options can be considered.

Until we receive the information discussed above then in accordance with National Planning Policy we maintain our objection.

9.6.8 GEL then provided additional information in an attempt to deal with EAs concerns in a letter report dated 17th December 2018.

9.6.9 The EA noted in respect of ground levels and dry working:

We note that Gerard Edwards Limited provide additional information concerning the availability of the dry rock resource in the form of further groundwater level monitoring and interpretation of this data. We are therefore willing to remove our objection in relation uncertainty over the availability of the unsaturated rock and have some conditions that we can ultimately recommend to ensure that only dry working is approved.

9.6.10 The Councils own expert consultee, Peter Brett Associates (PBA) advised that *“We remain of the opinion that a planning condition specifically excluding sub groundwater table extraction is advisable.”*

9.6.11 Your officers remain concerned however, that a planning condition would not adequately deal with this matter as it relies upon the future operator(s) which is not known at this stage, complying with condition(s) and the ability of the County Council to effectively monitor site in the future. However, as there is now no technical objection to dry working, it is considered that that the proposal does not contravene SMP Policy DM4 or SSDC Policy EQ7.

9.6.12 Notwithstanding the above, the issue of digging up the old landfill has not been resolved.

9.6.13 In terms of the potential contamination risk from the old landfill, PBA observed that:

‘... the old landfill is not within the area proposed for extraction of mineral but the old landfill is within the Application boundary. Access road, hardstanding, stockpiles and buildings are to be placed on the old landfill as part of the proposed development.

As such the status quo would not be maintained and the proposed development could change the level of risk to human health, controlled waters, the natural environment and the built environment associated with the old landfill. Changes to the drainage of the immediate area of the landfill are likely with the presence of new access roads and hardstandings, building and stockpiles would introduce new surface applied loads to the waste, and new receptors (site staff) would be present giving rise to longer periods of human exposure to any health hazards.

9.6.14 The EA stated in the latest and therefore their current position:

We maintain our position that additional information is needed regarding the contaminative status of the application site and the position of the former landfill site. Gerard Edwards Limited reiterates that the application area is not, as our records would indicate, encroached upon by the former landfill site based on their investigative work. They also state that the material that they encountered was inert. The observations made by Gerard Edwards Limited may well be correct but, given the lack of technical detail concerning the nature and distribution of contaminants, we are of the view that a proper desk study and site investigation are needed to confirm their assumptions. We do have conditions that could be recommended that would facilitate a proper

course of action but prior to recommending these conditions we would wish to have certainty that the proposal put forward is viable and does not pose an unacceptable risk to controlled waters. We therefore we maintain our objection until sufficient information is provided. It is likely that, as a minimum, a desk study, a site investigation and further risk assessment would be required for us to remove the current objection. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks.

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Therefore, until we receive the information discussed above then in accordance with National Planning Policy we maintain our objection.

9.6.15 Your officers fully concur with this view.

9.6.16 A late response from the LLFA also concurs with the EA's position and requests further additional information.

9.6.17 This is an application for full planning permission and matters should not be reserved for future consideration, particularly where there is an outstanding objection from a statutory consultee and requests for additional information in advance of determination.

9.6.18 Following the third objection from the EA your officers asked the Applicant to consider withdrawing the application. The Applicant's agent suggested that a pre-commencement condition could overcome the EAs objection. This would be wholly inappropriate when viewed in context of the EA's requirements.

9.6.19 It is considered that the Applicant has been granted a number of opportunities to deal with this issue but has failed to do so. There is no confidence going forward that this matter could be satisfactorily dealt with by the imposition of conditions.

9.6.20 The potential risk to the environment is too great. The proposal therefore fails to comply with part (d) of Policy SMP5 and SSDC Policy EQ7.

9.7 **Impact on Amenity**

9.7.1 Policy DM8 aims to protect local amenity from, amongst other things noise, vibration and dust. Policy DM1 has similar aims in respect of visual amenity. SSDC Policy EQ7 states that development that would result in, amongst other things noise harm to amenity will not be permitted. Members will be aware of the strong local opposition to this proposal and the representations from local residents are summarised in section 8 of this report. Many have raised noise and dust as potential impact from the quarry.

- 9.7.2 Members should also note that County's Acoustic Officer has provided a very detailed initial response, and the subsequent response to a local resident's comments on that report. Indeed in respect of many facets of the operations, the Acoustic expert has stated that they would be "noticeable and intrusive" However he concludes that:

My determination of the levels of noise arising from aspects of extraction and processing would suggest them to be audible and potentially distinctive and in contrast to the present noise environment.

Under the guidance on the NPPF this level of impact would in my view not support a planning noise objection, but would justify a planning requirement for effective noise mitigation measures.

- 9.7.3 The conclusion of the Acoustic Expert will be disappointing to local residents. However, in planning terms it would be difficult to sustain an objection on noise grounds without a *technical* objection.
- 9.7.4 In terms of dust the Council's air quality expert has raised no objection. The processing would be carried out within a building and so this would reduce potential dust impact significantly. Also, dust can be controlled though conditions which would effectively require the operator to stop outdoor working in windy conditions and to keep stockpiles and haulage road damp to prevent fugitive dust.
- 9.7.5 Some members of the public have raised the visual impact of the quarry and the buildings as being of concern.
- 9.7.6 The site is surrounded by mature trees and hedging and is, therefore, already screened to a degree from surrounding roads and properties. The edge of the site is visible from the field gate on Batts Lane, which would form the access track to the quarry, but the majority of the quarry site is not visible from the access as the land slopes away to the southwest. The processing building would be about 5.6m high at its highest point and would be located well within the development area. It is not considered that the quarry itself would represent a significant impact on visual amenity, although quarry machinery and vehicles may be partially visible from the highway and nearby properties. However, such impacts are not considered to be so significant as to warrant refusal of the application.
- 9.7.7 Also, as the topography decreases from about 20m AOD on the A372 opposite the proposed quarry, to around 16mAOD where the building would be located. Therefore only the top of the building would be visible from the highway and the properties opposite. There would be partial view of the building from the east/northeast but its appearance would be similar to that of agricultural building. In these circumstances the proposal would not represent

an unacceptable adverse impact on landscape or visual amenity, and would therefore not contravene Policy DM1, or SSDC Policy EQ7.

9.8 **Other Matters**

Proposed Access

9.8.1 There have been representations from some residents in respect of the use of the access itself onto Batts Lane and access onto the A372. However, the County Highways Officer has stated in this regard the impact of the scheme is not considered to be severe and would not create a highway safety or efficiency issue. The required visibility splay onto Batts Lane has also been queried. However, the County Highways Officer in this issue has commented:

“This Authority has provided our requirements as to making the proposal safe in highway terms. The applicant should therefore provide appropriate details.”

9.8.2 The Applicant’s Agent has confirmed that the visibility splay can be provided in this instance. As for noise and dust, without a technical objection it would be difficult to sustain an objection on highway grounds to the proposal.

Archaeology

9.8.3 SW Heritage have commented that the geophysical survey indicates that there may be some potential for buried archaeological remains but that there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest.

9.8.4 For this reason SWT have recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This should comprise a field evaluation as indicated in the National Planning Policy Framework (Paragraph 189). If the application was recommended for approval such an evaluation could be subject to a pre-commencement condition. The Applicant has not commented whether this would be acceptable.

10. The Planning Balance

10.1 Minerals Topic Paper 2 Building Stone (December 2012) identifies blue Lias as being “needed”, so it would be difficult to argue that there is not a “generic” need for this stone in the County.

10.2 In terms of how much blue Lias stone should be produced or is needed is difficult to quantify. There are currently permissions in place for the production Blue Lias Stone from 2 quarries all within a 10 km (6 mile) radius of Batts Lane. Planning permission may be granted for a third, at Tout Quarry.

- 10.3 The Applicant has not provided any quantitative evidence on need and relies on qualitative need for the stone and its contribution to local distinctiveness and character.
- 10.4 There is no objection from the Minerals and Waste Policy Team on need and confirmation that the proposal complies with policy. The Parish Council has vehemently objected to the application and believes it would be of no benefit to the community.
- 10.5 Local residents and the Parish Council strongly object to the application and do not perceive any benefits to the community. This is not supported by the Minerals and Waste Policy Team. The provision of 2 full time jobs (part of the year) is considered an adequate level of economic benefit for the scale of the proposal. The contribution of the stone to the local distinctiveness and character is considered sufficient community benefit to comply with policy SMP5. There is no considered conflict with parts a) or b) of Policy SMP5.
- 10.6 The EA wish to have certainty that the proposal put forward is viable and does not pose an unacceptable risk to controlled waters. The EA have therefore maintained their position that additional information is needed regarding the contaminative status of the application site and the position of the former landfill site. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks.
- 10.7 Your officers fully concur with this view. It is considered that the applicant has had sufficient opportunity to adequately address the concerns of the EA on matters but has failed to do so. There is no confidence that this matter could be satisfactorily dealt with by the imposition of conditions. The potential risk to the environment is considered too great. The proposal therefore fails to comply with part (d) of policy SMP5.
- 10.6 There is potential risk to controlled waters from the digging up of an old landfill, which the applicant has failed to properly address. This has resulted in a formal objection to the proposal from the Environment Agency. For these reasons the application is recommended for refusal.

11. Recommendation

- 11.1 **It is recommended that planning permission be REFUSED for the following reason and that authority to undertake any minor non-material editing which may be necessary to the wording of those reasons be delegated to the Strategic Commissioning Manager, Economy and Planning:**

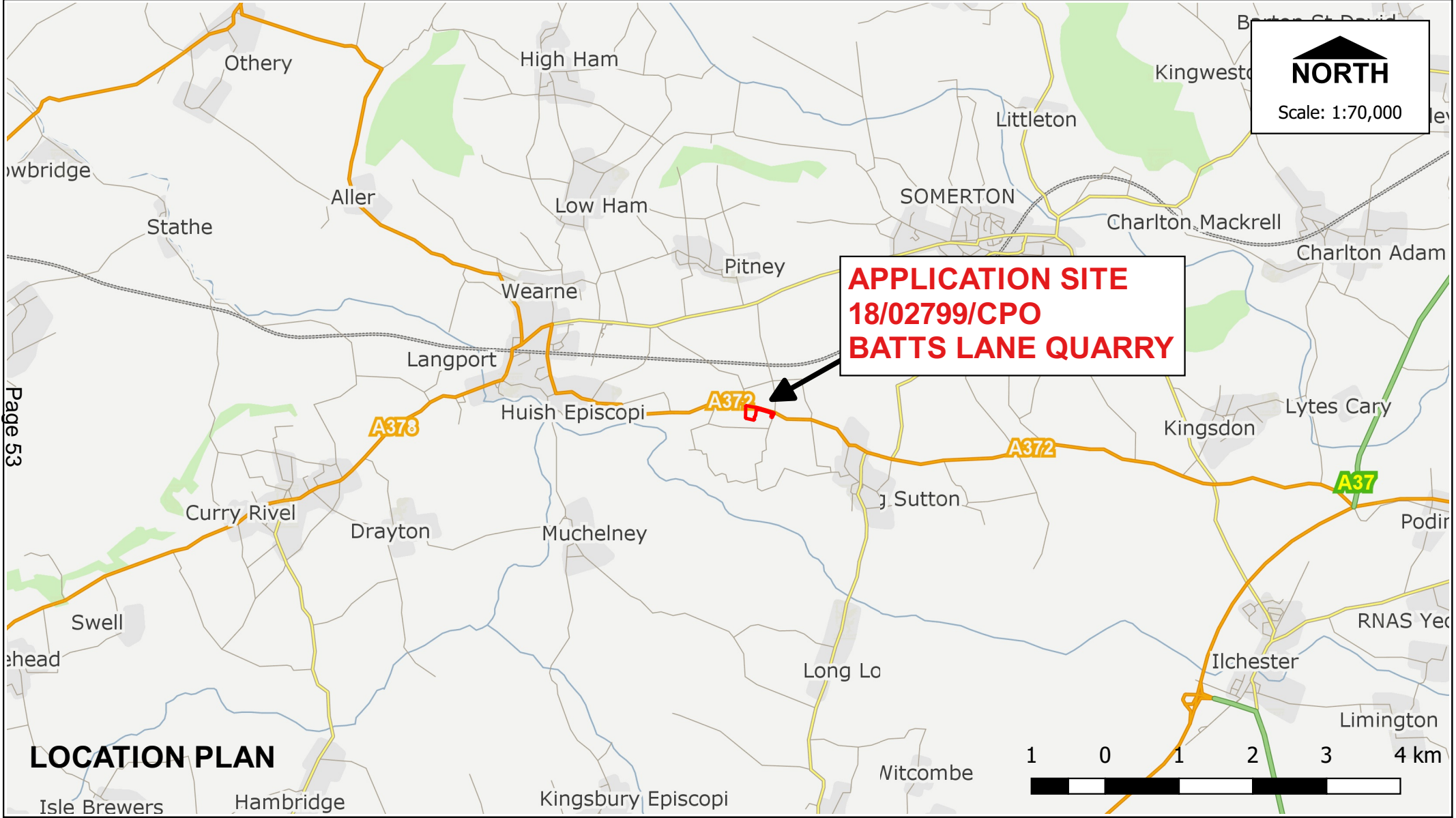
1. **Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF.**

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In determining this application, the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Mineral Planning Authority has identified all material considerations; forwarded consultation responses that have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed **towards a timely determination of the application**. Issues of concern have been raised with the Applicant, including matters relating to contamination and groundwater. However, contamination concerns have not been satisfactorily addressed resulting in 3 consecutive objections from the Environment Agency (EA). There is a disagreement between the Council and the Applicant on how the latest EA objection should be addressed this has resulted in a delay in determination and a breakdown in negotiations with Applicant.

The proposal is not in accordance with the Development Plan and in particular the following policy:

Plan	Policy	Description	Policy Consideration
Somerset Minerals Plan	SMP5	Proposals for the extraction of building stone	Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks.



LOCATION PLAN



SOMERSET
County Council

Paul Hickson

Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

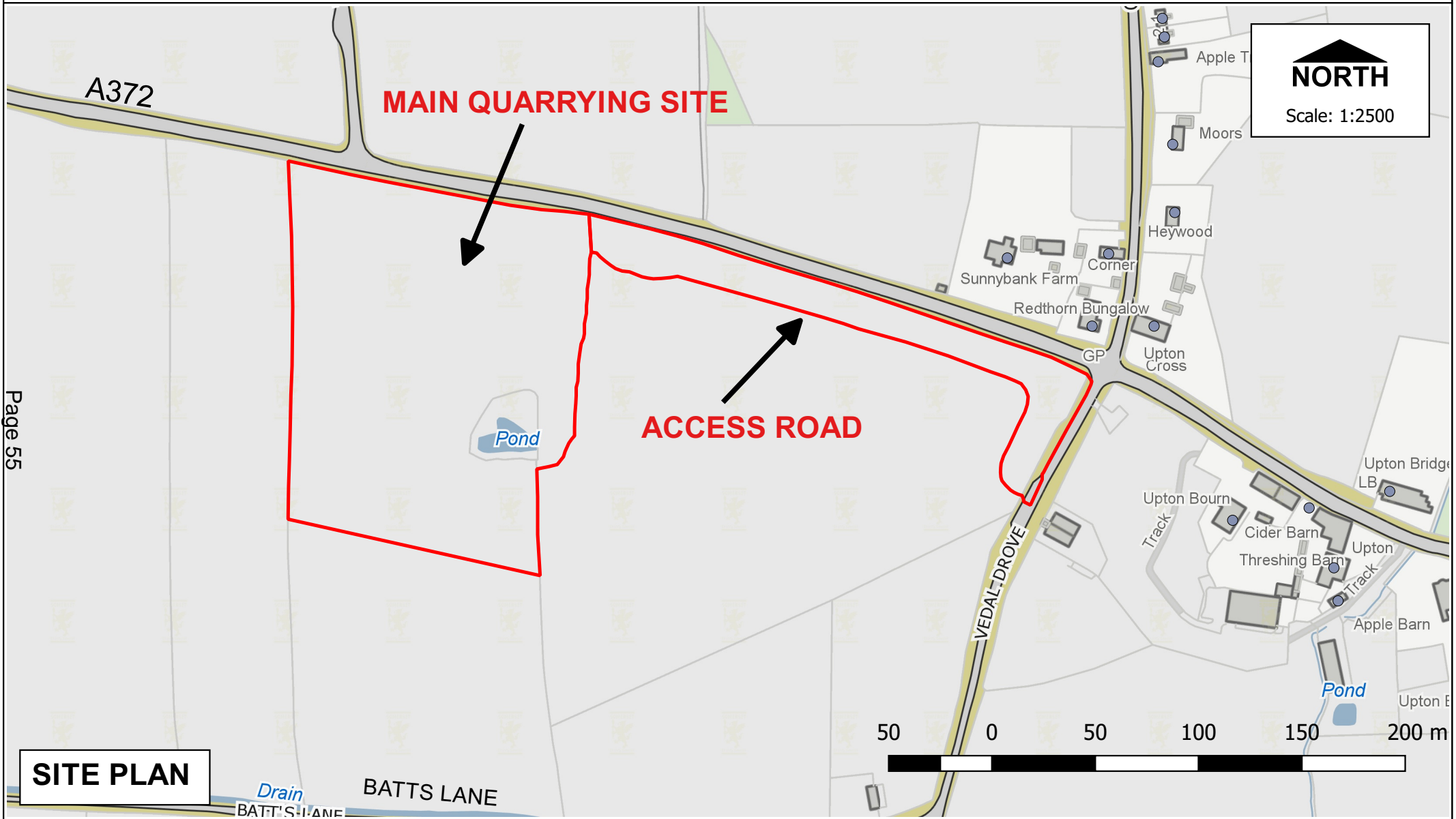
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Dated: 04/06/2019

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SITE PLAN



Paul Hickson
 Strategic Commissioning Manager
 Community & Environmental Services
 Somerset County Council
 County Hall, Taunton, TA1 4DY

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Dated: 04/06/2019

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Somerset County Council
Regulation Committee –
Report by Paul Hickson
Strategic Commissioning Manager

Application Number: SCC/3539/2018

Date Registered: 16 January 2019

Parish: Charlton Mackrell

District: South Somerset District Council (Area North)

Member Division: Somerton

Local Member: Councillor Dean Ruddle

Case Officer: Sue Penaluna

Contact Details: planningcontrol@somerset.gov.uk (01392 383000)

Description of Application: Extension of Tout Blue Lias Building and Dimension Stone Quarry with Restoration to Agriculture.

Grid Reference: 353922 - 128298

Applicant: Ham & Doultong Stone Company Ltd

Location: Tout Lane, Charlton Adam, Charlton Mackrell, Somerton, TA11 7AN

1. Summary of Key Issues and Recommendation

1.1 The proposed development is the creation of a new stone quarry for the extraction of up to 6000 tonnes per annum of Blue Lias stone, and the key issues for members to consider are:

- whether the proposal is in accordance with the development plan;
- amenity considerations (noise and dust);
- landscape and visual impact; and
- biodiversity.

1.2 **It is recommended that planning permission is GRANTED subject to the conditions set out in section 9 of this report and that the authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Commissioning Manager – Economy and Planning.**

2. Description of the Site

2.1 The application site is 2ha in size and is currently a flat arable field planted with ryegrass, located immediately to the east of the existing stone yard operated by the applicant on the floor of the earlier worked out Blue Lias quarry. There is a public right of way and agricultural land to the north and east which are separated from the application site by a mature hedgerow and a 2m high planted bund which was installed to reduce the views of the large blockworks to the immediate south (but which is outside the red line of the site or the control of the applicant).

2.2 The nearest homes to the application site are those to the north in the village of Charlton Adam, with the nearest property, Home Farm, being 120m to the north. There are dwellings along Tout Lane which have proximity to the stone yard from which they are separated by a large planted bund, but the proposed development is further away from these to the east and lines of sight are all cut off by the existing bunding along the north of the site.

3. The Proposal/Background

3.1 This is an application for full planning permission to extend the footprint of the old Tout Quarry into the field to the east to develop a new source of Blue Lias building stone.

3.2 Tout Quarry has a long history of quarrying and stone related uses, with quarrying from 1947 undertaken through an Interim Development Order. Extraction and processing were mainly for aggregates purposes until the 1980s when production of dimension stone was developed. Planning permission (910695) for continued quarrying of lias stone was granted on appeal in 1993, with new working conditions approved in 2008 (08/00870/CPO). This review of conditions required the quarrying permission

to cease on 5 April 2018, but the site has not operated as a quarry since it became worked out in advance of that date.

- 3.3 The stone yard, which is located on the footprint of the last quarry workings, produces walling and architectural stones from a number of local and regional stone types imported into the site, including Bath Stone, Ham Stone, Portland Stone and Blue Lias from other sources.
- 3.4 Development of the site would be undertaken on a phased basis, working eastwards from the former quarry in six phases to a depth of 2.4 metres, with the extraction void being progressively restored. This restoration would be achieved through backfilling with quarry waste and imported inert materials to return the site to its original levels, using topsoil and subsoil stripped from the site in advance of extraction. The site would then be returned to agricultural use and, within the north east corner of the site, a sump will be retained to accommodate a seasonal pond with adjoining tree planting.
- 3.5 Extraction will be achieved through use of an excavator, with no blasting undertaken, with the stone carried to the adjacent stone yard for sawing and dressing. Working would be on a short campaign basis rather than continuously, to meet demand as it arises. Average annual output from the quarry is predicted to be around 3,000 to 4,000 tonnes, with a maximum output of 6,000 tonnes to meet the occasional large order. It is estimated by the applicant that the site will yield around 100,000 tonnes, giving a potential life of between 17 and 33 years depending on annual output.
- 3.6 Hours of operation within the quarry are proposed as 0700 to 1800 on weekdays and 0700 to 1300 on Saturdays, with no working on Sundays or public holidays. Vehicles to and from the site will use the existing access to the public highway as other existing activities within the complex, with quarry lorry movements being maintained at the current level of 2-3 per day.

4. The Application

- 4.1 Plans and Documents submitted with the application are set out below:
 - Application Forms and Notices
 - Documents:
 - Planning Supporting Statement (1 December 2018) (with appendices on agricultural land classification, archaeological evaluation, dust management, visual impact assessment, noise management, soils handling, restoration and aftercare and planning history)
 - Extended Phase 1 Ecological Survey
 - Drawings:
 - 1042/PL1 Site Location Plan
 - 1042/PL2 Site Plan

- 1042/PL6 Working Plan Phases 1&2
- 1042/PL7 Working Plan Phase 3
- 1042/PL8 Working Plan Phase 4
- 1042/PL9 Working Plan Phase 5
- 1042/PL10 Working Plan Phase 6
- 1042/PL11 Restoration Plan (Revision A)
- 1042/PL12 Cross Sections (Revision A)
- TQ1 Stone Processing Yard

5. Environmental Impact Assessment (EIA)

- 5.1 A screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been carried out. The proposed development is not considered to be Schedule 1 development as it does not fall within any of the descriptions mentioned in Schedule 1 to the Regulations. However, it does comprise development of a description mentioned in schedule 2 of the regulations, namely as a Quarry under paragraph 2(a), Extractive Industry which covers all development of this nature with no specific threshold.
- 5.2 The screening process has concluded that the proposal does not constitute EIA development as it would not be likely to have significant effects on the environment by virtue of its nature, size or location within the meaning set out in the 2017 regulations. A copy of the screening opinion was forwarded to South Somerset District Council on 1 February 2019 to be placed on the planning register.

6. Consultation Responses Received

External Consultees

6.1 South Somerset District Council

Consulted on 17th January 2019 but no response received.

6.2 The Charltons Parish Council

The Parish Council notes that the applicant has offered to erect a building over the block cutting machinery to reduce sound levels although it is noted that the sound levels are within the limits of previous permissions and that the site would be further eastwards away from Chessels Lane. Although the site will continue to be a scar on the landscape it is only visible by air. The comments of Somerset Wildlife Trust are noted and the Parish Council ask that their comments are addressed. The Parish Council unanimously recommend approval.

6.3 **Environment Agency**

No objection to the proposed development subject to a condition requiring submission of a scheme for the protection or decommissioning of the existing abstraction borehole within the site, together with informatives on pollution prevention being included in any planning permission granted.

6.4 **Natural England**

No comments to make on the application.

6.5 **Somerset Wildlife Trust**

Express concern that the surveys undertaken did not obtain records from the Somerset Environmental Records Centre and they recommend that full searches are carried out to assess the likely impact on four Local Wildlife Sites within 1km of the site, the potential impact on previously unidentified species are assessed, surveys for rare arable plants are carried out and the restoration of the gappy hedgerows along the western edge of the site (but not included in the application site or the blue line area) is carried out with appropriate species.

6.6 **Somerset Geology Group**

The group would welcome consideration of any potential for geological conservation within the proposed development. The old Tout Quarry is a local geological site where there was exposed fossiliferous strata of the Jurassic Blue Lias Formation - and possibly the underlying White Lias as well. This formation is well known for its stratigraphic interest and associated fossil faunas - as witnessed, for example, by the designation of the Jurassic Coast World Heritage Site in Dorset.

Tout Quarry is one of only a few inland places in Somerset (in South Somerset and east Mendips), where the strata are exposed in quarries and/or cuttings and where there may therefore be the potential to it to be examined and recorded for research and/ or educational/public interpretative purposes. They suggest either the retention of a face and/or some local/community interpretation.

6.7 **Civil Aviation Authority**

No comments received.

6.8 **Wessex Water**

The proposal does not affect any of their interests as there is no apparatus in the vicinity of the site. If any extension in activities does require a connection to the water supply or affect any of their local assets, the applicant should contact them for further consultation or agreement (there are no assets close to the application site and any impact would in any case require a variation to the current application).

6.9 **South West Heritage Trust**

There are limited or no archaeological implications to this proposal and there are no objections on archaeological grounds. The SWHT support the long-term supply of local building stones for conservation uses and they note the extensive use of Lias limestone in central Somerset and its importance in maintaining the character and appearance of the county's historic buildings and areas.

The impact is unlikely to affect the setting or appearance of the Charlton Adam conservation area or listed buildings due to the distance and the existing industrial complex. They are satisfied that the experience of historic assets will be safeguarded by conditions protecting residential amenity and the environment.

Internal Consultees

6.10 **Highway Authority**

Having regard to the fact that the applicant has stated no additional traffic will be associated with the site, this Authority does not consider the extension in time for the continued use of the site will create any highway safety or efficiency issues. Given that the proposal would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

6.11 **Ecologist**

The Ecologist's original response expressed concerns about the lack of survey for Great Crested Newts; rare arable plants within the Red Data Book species; the need for a dust mitigation scheme; the requirement of Policy DM2 for a net gain in biodiversity; and recommending conditions providing for Landscape & Environmental and Construction Environmental Management Plans, a phased cutting of the existing arable crop and management of the site for reptiles including bunds and stockpiles.

The applicant subsequently provided an updated survey on arable plants and a revised restoration scheme including a pond with a geological face and tree planting which will provide a net benefit over the existing arable field. A further plant survey was submitted demonstrating that there are no protected or rare plants in the arable field which contains winter wheat. In view of this additional information, the Ecologist is satisfied with the proposals subject to the requested conditions referred to above and an additional requirement for delivery of the revised restoration scheme to be incorporated.

6.12 **Historic Environment (archaeology)**

The evaluation report submitted by the applicant confirms that there are prehistoric archaeological features on the site that will be impacted by the proposal. These features are likely to be associated with small scale Iron

Age/early Roman settlement. A written scheme of investigation was submitted by the applicant and the service is content for its implementation to be a condition of any permission.

6.13 Somerset Scientific Services – Acoustics

The activities involved in the exposure and removal of mineral from a stone quarry would usually give rise to noise that was of minor planning significance within the context of NPPG-N. This would initially appear to be the case with this new development at Tout Quarry, as it is associated with an established stone quarry and the area of new working is located at greater distance from housing than existed with the previous consent. In addition the applicant indicates an intention to operate under similar noise conditions to previous consents and adopt the noise management scheme agreed in 2008. Further support for the application would appear to arise as the extraction area benefits from the presence of existing screening bunds and the associated processing, the applicant would claim, is outside of the scope of planning consideration. However, I have some concerns with these two aspects (site screening and exempted impact from processing) when presented in support of a development that will provide a 24 year supply of stone at greater annual output than previous consents had permitted.

At present I can find no planning consent or details on the control measures that would either specify, safeguard, maintain or ensure the continued presence of the existing screening bunds around the proposed stone extraction site. I have found no planning control measures to protect against potential impacts arising from changes or growth in noise that might arise as a result of stone processing activities that would be a consequence of this development. While it would appear that the operator intends to adopt the noise conditions of the previous consent it would appear that the former mineral consent expired in 2018 and as such the planning control that might exist with respect to permitted development and processing impacts, is in my view unclear. It would also appear the region associated with the proposed processing operations is not included in the application area and as such I would not expect conditions in any consent for the extraction area to then apply to aspects of associated processing.

While the planning agent claims processing operations are addressed as an 'independent planning unit' it would appear the expired planning consents of 1993 and its 2008 review collectively considered impact from both extraction and processing with conditions limiting overall noise from the 'winning and working of minerals or from ancillary operation' within the quarry. In addition the continued presence of processing operations developed under PD rights on the former quarry site would now appear to have required modification to condition 15 of the 2008 consent in order to have remained in place.

If the planning authority were to accept the applicant's view that processing operations fall beyond the scope of consideration then it would in my view risk the uncontrolled growth in processing impacts arising as a consequence of the convenient availability of newly permitted stone reserves that might

combine with additional apparent unauthorised and unregulated stone importation.

While not directly associated with the working of the new areas I note one of the applicants plans shows highway access via the north-western areas of the quarry and the other plan shows these areas to not be in the ownership of the operator. The north-western area would appear to be associated with the storage of materials for the concrete works and as such this raises uncertainty with the future planning status, ownership and uses of the north-western areas of the quarry and these uncertainties may have consequence to this application and the rights for site access and exportation of stone from the site.

Excluding the uncertainties above it is my view there would be no justification to support a noise related objection to this application for eastern development if the residents living around the quarry continue to be afforded the same planning protection from the impacts associated with stone extraction and stone processing as were present in earlier planning consents. In my view this planning protection included aspects of stone processing and this would seem particularly important if the mineral planning authority is to provide some safeguard against any potential growth in noise impact that may arise from expected increase in annual production that was once limited to 2400t (up to 2018) but now has an anticipated maximum application limit of 6000t.

I consider there may be requirement to seek agreement on the mitigation measures to necessary to accommodate night-time use of a water pump so as to prevent risk of disturbance. The detail of this condition will depend on the requirements and expectations of the operator and more information is therefore required. I would also recommend a condition to address any distinctive noise arising from tonal reverse alarms used on site based plant. Finally I would recommend there be a requirement to review the submitted noise monitoring scheme within 6 months should consent be granted.

6.14 Minerals and Waste Policy

No response received.

Public Consultation

- 6.15 Notification was made to 17 neighbours and site notices were posted on the old site entrance in Chessels Lane as well as on the main site entrance to the stone yard.
- 6.16 Three objections have been received from members of the public living in Chessels Lane, which all raise concerns about the noise from the existing operations from the stone processing plant and possibly the blockworks. One resident commented that they have no issue with the quarrying itself but do have concerns about the noise from the existing processing plant which is closer to their homes. Noise from manoeuvring vehicles moving stone can be staccato and obtrusive and, despite the bund, there was an upsetting amount of noise in their garden. They feel that properties further from the bund may

experience greater noise and so boundary monitoring may not be a reliable indicator of nuisance and the proposal is likely to lead to increased dumper truck type activity.

7. Comments of the Strategic Commissioning Manager

7.1 The key issues for members to consider are:

- compliance with development plan policy, notably Policy SMP5;
- the lawful use of the stone yard;
- landscape and visual impact;
- amenity impacts including noise and dust;
- traffic generation;
- biodiversity; and
- impact on the historic environment.

The Development Plan

7.2 Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Minerals Plan (adopted February 2015)
- South Somerset Local Plan 2006-2028 (adopted March 2016)

Material Considerations

7.3 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework (NPPF) (February 2019)
- Planning Practice Guidance (PPG)

Compliance with the Development Plan

7.4 The key policy for consideration of this application is Policy SMP5 of the Somerset Minerals Plan, which addresses proposals for the extraction of building stone, and other relevant policies will be addressed in subsequent sections of the report below. Policy SMP5 states:

“Planning permission for the extraction of building stone would be granted subject to the application demonstrating that:

- a) the proposal would deliver clear economic and other benefits to the local and/or wider communities; and*
- b) there is an identified need for the specified stone; and*

- c) *the nature, scale and intensity of the operation are appropriate to the character of the local area; and*
- d) *the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.*

Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c.”

- 7.5 Although Policy SMP5 does not require a proposal to be located within an Area of Search for planning permission to be granted, the location of Tout Quarry within the Area of Search for extraction of building stone is a factor to include in considering the planning balance. The four specific criteria included in the Policy are considered in turn below.

Delivery of economic and other benefits

- 7.6 Policy SMP5 requires delivery of “clear economic and other benefits to the local and/or wider communities”. The applicant’s planning statement indicates that their operation provides 13 skilled full-time jobs that will be secured through the proposal, with further employment to sub-contracted masons, hauliers and engineers, and that this employment “helps to underpin the economy of this rural area and is not seasonally based”. In addition to the retention of existing jobs, the applicant highlights the availability of local stone as helping in the maintenance of the character of built development in the area.
- 7.7 Although the proposal will not create additional employment, the retention of existing skilled jobs can be seen as an economic benefit, while the revised restoration arrangements will result in an environmental benefit through provision of a pond with additional tree planting.

Identified need

- 7.8 Policy SMP5 requires that an application should demonstrate an identified need for the building stone, in this case Blue Lias. Tout Quarry is a well-established facility for the processing of a range of Somerset building stones where Blue Lias has been quarried in the past. More recently, the operators obtained Blue Lias stone from Westfield Farm Quarry at Keinton Mandeville until their disposal of that site and its subsequent closure when its reserves were exhausted.
- 7.9 In support of his application, the applicant highlights the following points:
- Tout Quarry’s Blue Lias resource is one of the best quality limestones with varying bed heights containing fossil layers that are only found here;
 - the dense blue stone is used for building, walling and paving stone and for polished decorative products such as kitchen work-surfaces and tiles; and

- the quarry would be worked with a broad face to access the variety of thin and thick bed heights and varying properties in terms of colours and fossils.
- 7.10 Discussion with the applicant indicates that operational sources of Blue Lias stone in Somerset are currently limited to two sites:
- Ashen Cross, near Somerton, where supply from the thicker beds required for block stone is constrained; and
 - Bowdens Lane, near Langport, which is predominantly a White Lias quarry but with some Blue Lias beds.
- 7.11 In addition, a current planning application (18/02799/CPO) is seeking planning permission for extraction of Blue Lias at Batts Lane near Langport, while Hadspen Quarry near Castle Cary received permission in 2018 for an extension to enable supply of Hadspen Stone that may also be yielding Blue Lias.
- 7.12 The available evidence indicates that current supply of Blue Lias stone in Somerset is constrained in terms of the number of operational quarries and the range of products that are available. On this basis, it is considered that the requirement in Policy SMP5 for an identified need to be demonstrated has been met.

Nature, Scale & Intensity and Mitigation of Impacts

- 7.13 Criteria (c) and (d) of Policy SMP5 require that proposals for extraction should be appropriate to the character of the area and that adverse impacts on the environment and local community are mitigated to acceptable levels. These matters are addressed in the following sections of this report.

The Lawful Use of the Stone Yard

- 7.14 Inspection of the site monitoring files has indicated that the lawful use of the adjacent stone yard was accepted in 2001 and, therefore, the uses within that area for the importation and processing of stone are immune from enforcement action. The previous permission for the extraction of stone on the land beneath the stone yard expired in April 2018 with the exception of conditions relating to the restoration and aftercare of the site.
- 7.15 Given the apparent lawful use of the stone yard and the fact that the old quarry has been occupied by this use, it would not be expedient to pursue this issue any further, especially given the applicant's undertaking to enclose the existing stone saw in a building and to accept a noise condition on the stone yard for the life of the new quarry operation.

Landscape and Visual Impact

- 7.16 The applicant's visual impact assessment indicates that the impacts of the proposal on the landscape would be short term and negligible from anywhere except the site boundary, which is already protected by screening bunds, with

mitigation measures of phased working and restoration incorporated into the proposals and secured through the proposed planning conditions. It is therefore considered that the development accords with Policy DM1 of the Somerset Minerals Plan.

Amenity Impacts (Noise and Dust)

- 7.17 There have been some concerns expressed by local residents about the impact of noise on properties along Chessells Lane and within the village from existing uses on the site. The historic monitoring files for the previous operation show low levels of noise and it would be reasonable to expect that the current proposal, being further away from housing would also produce low levels. The overall noise environment is influenced mainly by the fairly intensive activity at the adjacent blockworks, and occasionally from the stone saw with the applicant's stone yard.
- 7.18 Somerset Scientific Services has encouraged the consideration of restricting the noise output from the lawful use of the stone yard and, although this is not a part of the application site, the operator has agreed to bind the stone yard to a general condition relating to noise which will cover both the application site and also the area with the blue line around the stone yard for the duration of the quarrying permission if it is granted.
- 7.19 It is lawful to restrict this ancillary use when it is in the control of the applicant, but it could not be imposed on the lawful use without it being considered as ancillary to the current proposal. Therefore, the noise from the stone yard could only be restricted by planning condition in this way. The proposed condition would restrict the noise output from both operations to 43dB (A) free field Laeq (1 hour) when measured at the boundary of the nearest residential property. This would reflect the previous mineral conditions applying to the site.
- 7.20 Concerns about retention of the bunds around the application site are noted but these are not in the ownership or control of the applicant and so it is not possible to condition their retention. It is, however, possible to restrict the "permitted development" rights on the new working area to ensure that no buildings, plant or machinery are erected on the site without the prior consent of the mineral planning authority. This will help to ensure that the visual impact of the operations remains as stated in the application documentation and so that, even if the bunds were to be removed by the landowner, the remaining operation would be a small-scale impact below existing land levels. The applicant has questioned the need for this condition, but it is considered necessary to avoid amenity and landscape impacts given the Council's inability to directly control the potential future removal of the screening bunds.
- 7.21 It is proposed to apply a standard condition relating to dust complaints, as it is unlikely that dust from this operation would impact on properties to the north due to the distance and presence of the screening bunds.

- 7.22 In the light of the above considerations and the proposed conditions to limit adverse impacts on the amenity of local residents, the proposal is considered to accord with Policy DM8 of the Somerset Minerals Plan and Policy EQ7 of the South Somerset Local Plan.

Traffic Generation

- 7.23 As Blue Lias stone is currently imported to the stone yard from other sites in the region, it is unlikely that the proposals would significantly increase the amount of HGV movements on the highway, and access to the site is already shared by the blockworks which is a substantial generator of traffic. The proportion of traffic attributable to this quarrying operation would not be significant as the traffic movements from the stone yard are only two or three HGV movements per day, and the proposal is therefore consistent with Policy DM9 of the Somerset Minerals Plan.

Biodiversity and Geodiversity

- 7.24 Following comments from the Somerset Wildlife Trust and the County Ecologist, the applicant has provided additional survey information to demonstrate that protected arable plant species are not present within the application site. Given the small scale of the proposal and the distance from Local Wildlife Sites which are 1km away, it is not considered reasonable to require the applicant to assess the impact on such distant sites from what is a small scale and low impact operation.
- 7.25 The restoration proposals have been amended to ensure that the biodiversity opportunities for the restored site are greater than the existing arable field by including a small pond and tree planting in the final restoration scheme and the potential for a geological exposure.

The proposed restoration will provide a net benefit over the existing ryegrass field and potentially a habitat for protected species which have been displaced from the pond which is now lost beneath the adjacent blockworks site. The location of the new pond is particularly suitable since it is within a Great Crested Newt consultation zone and therefore well placed to contribute to the network of habitats locally.

- 7.25 The requirement for a Construction Environment Management Plan (CEMP) or a Local Environment Management Plan (LEMP) is best met by the conditions requiring restoration in accordance with the latest revised drawings and such pre-commencement conditions are not considered to be acceptable unless agreed by the applicant.
- 7.26 It is not considered reasonable to require the existing arable farmland to be subject to management conditions as suggested as it is likely that the winter wheat will have been harvested before the permission is implemented. Additionally, the bunds around the edge of the site are not in the red line boundary and will not be affected by the proposal. The stockpiles in the stone yard are managed as part of the commercial enterprise and unlikely to be

suitable for reptiles as they will be too transient. Waste materials will be backfilled into the pit in any case and there is a dust management scheme that will be a condition of the consent to ensure that dust does not affect more remote habitats.

- 7.27 The Somerset Geology Group have suggested retention of an exposure of the geological strata as Tout Quarry is one of the few inland sites in Somerset where they are visible, and this has been reflected in proposed Condition 14.
- 7.28 The proposed arrangements for development, restoration and aftercare of the site as identified in the applicant's documents and the conditions proposed in Section 9 of this report will ensure that the development is consistent with Policy DM2 of the Somerset Minerals Plan.

Historic Environment

- 7.29 The application was accompanied by a Written Scheme of Investigation for archaeology which is acceptable to the historic environment team and implementation of this can be conditioned, thereby ensuring consistency with Policy DM3 of the Somerset Minerals Plan. There are no archaeological objections, and the Somerset Minerals Plan identifies that local building stone is "integral to the distinctive character and historic environment of the county."
- 7.30 The Mineral Planning Authority has a statutory duty under s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This duty means that if a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight and that this would normally lead to a presumption against planning permission being granted. Additionally, paragraph 193 of the NPPF also requires the planning system to give "great weight" to the impact of a proposal on the significance of heritage assets and their conservation. The proposal is not likely to affect the character or setting of any listed building or conservation area and is in any case a temporary land use. The production of local stone is likely to have a net benefit to the historic environment in providing appropriate materials for the conservation and maintenance of historic buildings.

Sustainable Development

- 7.31 The definition of sustainability with relation to mineral extraction operations is defined within Policy SD1 the Somerset Minerals Plan: (Presumption in favour of Sustainable Development) which indicates that so long as the development is in accordance with other policies in the plan, then "proposals will be approved without delay unless material considerations indicate otherwise."

8. Conclusions

- 8.1 The Somerset Minerals Plan takes a positive approach to the supply of local building stones, with Blue Lias identified in the Plan as one of Somerset's building stone types. Policy SMP5 allows for proposals for extraction subject

to four criteria being met. As indicated in the discussion above, it is considered that a need exists for the development of resources of Blue Lias to maintain supply of this stone for use in a range of products, and the application site is well suited to meeting this need due to its co-location with an established stone processing yard. While the economic and other benefits of this development required by Policy SMP5 are largely limited to retention of existing employment, this is considered sufficient in this context to achieve compliance with the Policy.

- 8.2 It is considered that potential environmental and amenity impacts from the development can be avoided, controlled or adequately mitigated, and there are no remaining issues that cannot reasonably be dealt with through the imposition of the proposed conditions as set out in Section 9 below. Comments from consultees regarding land outside the applicant's control (i.e. the bunds around the site) are noted but it is not possible to condition the management of this land which is in the ownership of a third party and not included within the application boundary.

9. Recommendation

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions and that the authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager.

1 Commencement of Development

The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Extent of Permission

The winning and working of minerals hereby permitted shall cease by 30th June 2050 and shall be carried out in strict accordance with the approved drawings, phasing and details as follows:

- 10412/PL1 Location plan
- 10412/PL6 Phase 1 and 2 working plan
- 10412/PL7 Phase 3 working plan
- 10412/PL8 Phase 4 working plan
- 10412/PL9 Phase 5 working plan
- 10412/PL10 Phase 6 working plan
- 1042/PL11 (Rev A) Restoration Plan

- 10412/PL12 (Rev A) Cross Sections
- TQ1 Stone Processing Yard

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. Notification of Commencement

The operator shall provide written notification of the date of commencement to the Mineral Planning Authority within seven days of any works on site to secure the commencement of this permission.

Reason: To enable the Mineral Planning Authority to monitor compliance with the planning conditions.

4. Output Restriction

The output of Blue Lias worked from the permitted site shall not exceed 6,000 tonnes per annum in any single 12 months period. The operator shall retain written records of all tonnages of material extracted and subsequently exported from the site and make them available on request to the Mineral Planning Authority within one week of such request being made.

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan and to minimise impacts on the surrounding highway network in accordance with Policy DM9 (Minerals Transportation) of the Somerset Minerals Plan.

5 Archaeology

A programme of archaeological work shall be implemented in accordance with the Written Scheme of Investigation that has been submitted to the Mineral Planning Authority.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework and Policy DM3 of the Somerset Minerals Plan.

6 Removal of "Permitted Development" Rights

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, re-enacting or modifying that order), which relate to mineral working, mining and mineral exploration, there shall be no development or activity additional to that specified in this planning permission within the red line boundary of this site following the commencement of the development,.

Reason: To enable the Mineral Planning Authority to adequately control the impacts of the operation according to the submitted details, and to minimise

the landscape impact and the duration and extent of any disturbance from the development.

7. Importation Restriction

With the exception of clean soils which have been previously approved as part of a restoration proposal as required by Condition 14, no wastes or other materials shall be imported to or deposited within the application site other than the wastes arising from the quarrying operation or inert products arising from the dressing of stone in the adjacent stone yard.

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan and to minimise impacts on the surrounding highway network in accordance with Policy DM9 (Minerals Transportation) of the Somerset Minerals Plan

8. Hours of Operation

Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) the working hours of the site shall be between 0700 to 1800 Mondays to Fridays and 0700 to 1300 on Saturdays. There shall be no mineral working or other operations (including water pumping except in emergency situations) carried out on the site outside these hours or on Public Holidays.

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan

9. Noise

The noise levels arising from the winning and working of minerals or from any ancillary operation within the site or the associated blue line area shall not exceed 43dB(A) free field Laeq (1hour) when measured at the boundary of any noise sensitive property.

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan.

10. Tonal Reversing Alarms

There shall be no tonal reversing alarms used on plant and machinery operating within the mineral site, and reversing warning alarms shall be of the broadband type only.

Reason: In the interests of the amenity of residents living in close proximity to the application site in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan.

11. Construction of Building to Enclose Stone Saws.

Within six months of the date of commencement of this operation, the stone saws in the adjacent stone yard (as shown on drawing TQ1) shall be enclosed within a building that shall be constructed within the limitations of “permitted development” conferred by Class H of Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that order).

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan.

12. Complaints

Any complaint received by the operator about noise or dust from the application site shall be reported to the Mineral Planning Authority within seven working days of receipt. The report shall contain an assessment of the complaint, the reasons and background of the event and any proposed measures to be put in place to avoid any repetition.

Reason: To protect residential amenity in accordance with Policy DM8 (Minerals Operations and the protection of local amenity) of the Somerset Minerals Plan.

13. Soils Management

- (a) All soil stripping, re-grading, sub-soiling operations and the spreading of soils and their cultivation shall only be carried out when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure.
- (b) Topsoils and subsoils shall be handled separately and where necessary stored separately in bunds until such time that they are required for restoration purposes.
- (c) Topsoil heaps shall be graded and seeded with a grass mixture which shall be approved in writing by the Authority and thereafter kept free of injurious weeds.
- (d) No topsoil or subsoil shall be exported from the Site unless previously agreed in writing by the Authority.

Reason: To minimise damage to soil structure in order to ensure that all soils remain available for restoration purposes.

14. Restoration and Aftercare

Prior to the commencement of Phase 2 working, the applicant shall submit to the Mineral Planning Authority a detailed scheme for the progressive restoration and management/aftercare of the mineral site.

The scheme shall include details of final levels, nature and depth of topsoils and subsoils to be placed on the site, the management and maintenance of

the wildlife pond and the provision of an appropriate geological exposure for future geological/geomorphological study.

On approval, this scheme shall be used for the detailed restoration of the site which shall be completed within two years of: (a) the end date of this permission as set out in Condition 2, or (b) the completion of Phase 6, or (c) the permanent cessation of winning and working of minerals prior to completion of Phase 6, whichever is the sooner, and shall be maintained for a period of five years in accordance with the approved aftercare scheme.

Reason: To ensure the proper restoration of the site in accordance with Policy DM7 of the Somerset Minerals Plan.

15. Decommissioning of Borehole

Prior to the commencement of operations within Phase 3, a scheme for the decommissioning or protection of the borehole during the subsequent phases of working shall be submitted to the Mineral Planning Authority. No groundworks shall commence in Phase 3 until the scheme has been approved in writing, and the operator shall implement the approved details in this and subsequent working phases and during the site restoration.

Reason: To ensure that groundwater is protected in accordance with Policy EQ7 of the South Somerset Local Plan.

16. Lighting

There shall be no lighting on the application site, with the sole exception that operations carried out after hours of darkness within the permitted hours set out in Condition 8 shall be lit only by vehicle headlights.

Reason: To ensure that there is minimal disturbance to protected species in accordance with Policy DM2 of the Somerset Minerals Plan.

INFORMATIVES

Advisory Note from the Environment Agency

The applicant needs to ensure that they manage wastes appropriately, and to ensure that if activity on this site during operations or restoration requires an Environment Permit that this is received prior to the operations commencing, e.g. a Mining Waste Environmental Permit. The details of Waste Environmental Permit can be found at: <https://www.gov.uk/guidance/waste-environmental-permits>

10. Relevant Development Plan Policies

- 10.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 10.2 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:-

- Somerset Minerals Plan (Adopted February 2015)
- South Somerset Local Plan (adopted March 2015)

10.3 The policies in these plans which are particularly relevant to the proposed development are:

Somerset Minerals Plan

SD1 (Presumption in favour of sustainable development)

SMP5 (Proposals for the extraction of building stone)

SMP8 (Site reclamation)

SMP9 (Safeguarding)

DM1 (Landscape and visual amenity)

DM2 (Biodiversity and geodiversity)

DM3 (Historic environment)

DM6 (Public rights of way)

DM7 (Restoration and aftercare)

DM8 (Mineral operations and protection of local amenity)

DM9 (Minerals transportation)

South Somerset Local Plan

SD1 (Sustainable Development)

EP4 (Expansion of existing businesses in the countryside)

EQ2 (General Development)

EQ3 (Historic Environment)

EQ4 (Biodiversity)

EQ7 (Pollution control)

10.4 The County Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework (July 2018), National Minerals Practice Guidance [MPG] 2012.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

10.5 In dealing with this planning application the County 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, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

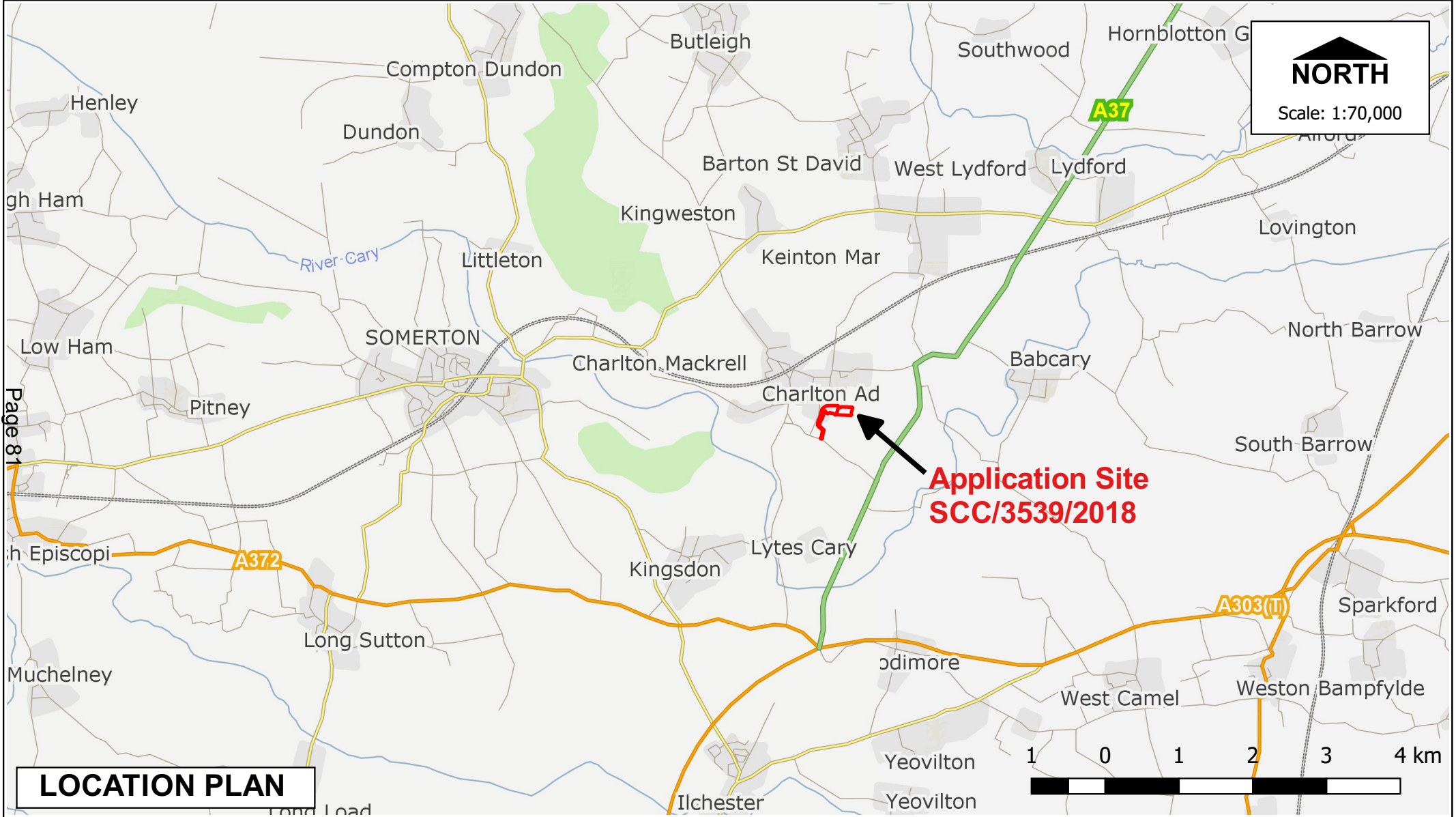
10.6 The proposal is in accordance with the Development Plan and in particular the following policies:

Plan	Policy	Description	Policy Consideration
Somerset Minerals Plan	SD1	Presumption in favour of sustainable development	The proposal provides a supply of local building stone in a manner that will not lead to loss of amenity or historic information, and also provides for a restoration of the site to agriculture.
Somerset Minerals Plan	SMP5	Proposals for the extraction of building stone	The proposal will provide a continued supply of blue lias stone which is identified as an important local building stone. The scale of the operation is low key and is unlikely to have any significant adverse impacts on the local area.
Somerset Minerals Plan	SMP8	Site reclamation	The application includes proposals to restore the site to its existing agricultural use through phased restoration. The site is surrounded by agricultural fields and a condition can require the
Somerset Minerals Plan	SMP9	Safeguarding	The area of the application site is within a safeguarded area for the production of building stone.
Somerset Minerals Plan	DM1	Landscape and visual amenity	The development is a continuation of a previous mineral operation and very well screened. It would not in the longer term adversely affect the landscape due to the restoration proposals indicating that the field would be restored to agriculture at existing levels. Condition restricting PD reflects that the bunds are in other ownership and there is not means of controlling their retention.
Somerset Minerals Plan	DM2	Biodiversity and geodiversity	The submitted information does not indicate that the site has any specific biodiversity features. There is an opportunity to improve the field margins or to leave a pond in any restoration scheme.
Somerset Minerals Plan	DM3	Historic Environment	Requirement for adequate provision to be made for excavation if required Proposed condition requires a WSI in

			accordance with the requirements of the county archaeologist.
Somerset Minerals Plan	DM6	Public rights of Way	The policy requires that PROWs are protected from the impacts of minerals development. The adjacent PROW will not be affected by the proposal and is protected by an existing bund and hedgerow.
Somerset Minerals Plan	DM7	Restoration and aftercare	The proposals contain information for phased working and restoration.
Somerset Minerals Plan	DM8	Mineral operations and protection of local amenity	The proposal comes with a noise and dust mitigation scheme. It is not likely that the development would have an adverse impact on the nearest noise sensitive property or would lead to dust nuisance given the proposals to damp down the workings.
Somerset Minerals Plan	DM9	Minerals Transportation	The levels of transportation from this site are extremely low by comparison with the adjacent blockworks. The access is good and with very close connection to the A37/A303.
South Somerset Local Plan	SD1	Sustainable Development	Minerals may only be developed where they are found. In terms of the nature of the development and the proposed restoration this is a small- scale operation and unlikely to have any significant impact.
South Somerset Local Plan	EP4	Expansion of existing businesses in the countryside	The proposed development is well related to the adjacent stone-yard which processes stones imported from a number of local and sub regional quarries.
South Somerset Local Plan	EQ2	General Development	Having appropriate local building stone available is likely to assist in promoting high quality design and local distinctiveness as set out in this policy
South Somerset Local Plan	EQ3	Historic Environment	Having appropriate local building stone available for conservation purposes as well as newbuild will help to enhance and protect the character of both historic buildings and conservation areas in somerset.
South Somerset Local Plan	EQ4	Biodiversity	There are no likely biodiversity issues with the development of this ordinary ryegrass field. The restoration proposals contain a wildlife pond which would be a net biodiversity gain over the existing arable field.
South Somerset	EQ7	Pollution control	The proposal comes with a noise and dust mitigation scheme. It is not likely that the

Local Plan			<p>development would have an adverse impact on the nearest noise sensitive property or would lead to dust nuisance given the proposals to damp down the workings. There are very low levels of HGV activity involved – particularly set against the size and scope of the adjacent blockworks.</p> <p>The proposal will not impact on groundwater as the depth of working is not sufficient to have an impact. Groundwater will be protected by the required scheme for decommissioning or protection of the borehole.</p>
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LOCATION PLAN



SOMERSET
County Council

Paul Hickson

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SITE PLAN



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