

Regulation Committee

Thursday 3 October 2019

10.00 am JMR - Somerset West and Taunton Council



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 - 25 September 2019

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

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AGENDA

Item Regulation Committee - 10.00 am Thursday 3 October 2019

1 **Accuracy of the Minutes of the Meeting held on 5 September 2019** (Pages 3 - 22)

The Committee will consider the accuracy of the minutes (To Follow).

REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Council Chamber, Shire Hall, on Thursday 5 September 2019 at 10.00 am

Present: Cllr J Parham (Chair), Cllr J Clarke, Cllr S Coles, Cllr M Keating, Cllr A Kendall and Cllr N Taylor

Other Members present: Cllr H Davies, Cllr D Loveridge, Cllr L Redman, Cllr D Fothergill and Cllr D Hall

Apologies for absence: Cllr Mike Caswell, Cllr N Hewitt-Cooper

1 **Declarations of Interest**

Having been proposed by Cllr John Parham and seconded by Cllr Nigel Taylor, Councillor Mark Keating was duly appointed as Vice-Chair for the meeting.

2 **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 was available for public inspection in the meeting room:

Cllr S Coles Member of Somerset West and Taunton Council

Cllr N Hewitt-Cooper Member of Mendip District Council

Cllr A Kendall Member of South Somerset District Council and a Member of Yeovil Town Council

Cllr J Parham Member of Shepton Mallet Town Council

Cllr N Taylor Member of Cheddar Parish Council

2 **Accuracy of the Minutes of the meeting held on 18 July 2019 - Agenda Item 3**

The Chair signed the minutes of the Regulation Committee meeting held on 18 July 2019 as a correct record.

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

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

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

4 **Importation of Size-Reduced Intermediate Level Waste (ILW) Skips from Oldbury, Sizewell 'A' and Dungeness 'A' Sites' for Interim Storage to Hinkley Point 'A', near Bridgwater, TA5 1YA - Agenda Item 5**

(1) Committee Report

The Committee considered the report setting out planning applications SCC/3627/2019 and SCC/3628/2019 relating to the Importation of size-reduced Intermediate Level Waste skips from Oldbury, Sizewell 'A' and Dungeness 'A' sites for Interim storage to Hinkley Point 'A' near Bridgwater, TA5 1YA.

(2) Case Officers Presentation

(i) Introduction

The Case Officer, Mr A Hill, presented Applications SCC/3627/2019 and SCC/3628/2019 which covered the proposal and case officer conclusions as a basis for the committee's consideration of the application.

(ii) Key Issues

The case officer identified that the key issues for consideration were:-

The proposed development relating to variations to a previously approved conditions at Hinkley Point A.

The main issues for Members to consider were:-

- principle of the development;
- traffic generation and the highway network; and
- consideration of community benefits.

(iii) Application Site

The Hinkley Point A site is on a headland extending into Bridgwater Bay about 8 km to the west of the mouth of the River Parrett and 3 km north of Stogursey. The operational 'B' station is located to its east, and construction of a 'C' station is underway to the west.

The landscape of Hinkley Point is dominated by two nuclear power stations and the construction of Hinkley Point C. A County Wildlife Site extends around the southern boundary of the existing power stations complex and into the 'C' site.

The site is located close to a Site of Special Scientific Interest (SSSI) that covers the coastal area to the north of the site and Wick Moor to the southeast. The SSSI is also a Special Protection Area (SPA) and Ramsar site, a large part of which is also a National Nature Reserve (NNR) managed by Natural England. The coastal area is also a Special

Area of Conservation (SAC). To the southeast, the Wick Moor grazing marsh is also largely registered common land.

The local villages are located away from the coastline, the closest of the larger villages to Hinkley Point being Stogursey. Small hamlets (i.e., Knighton, Burton, Shurton, Wick and Stolford) and isolated farmsteads are located closer to the coast. Further south, the Quantock Hills Area of Outstanding Natural Beauty (AONB) extends south-eastward from the coast at East Quantockshead, to within about 8km (5 miles) of Hinkley Point.

The application site boundary encloses the Hinkley Point A nuclear power station, which has an area of over 19 ha (48 acres) covered by the nuclear site licence.

The Interim Storage Facility (ISF) is located alongside, but at a level 5m below, the site access road and about 85m to the west-northwest of the Hinkley Point B site security gatehouse, with the encapsulation plant directly to the west. A substantial electricity station is located on the south side of the access road, from which several sets of high voltage overhead power lines are carried on pylons aligned south-eastward across Wick Moor.

(iv) The Proposal

These applications were submitted in May 2019 under Section 73 of the Town and Country Planning Act 1990 and seek to vary Condition 3 of the Interim Storage Facility (ISF) permission and Condition 3 of the encapsulation plant permission. These variations would allow importation of Intermediate Level Waste (ILW), ILW being a category of radioactive waste, from specific locations outside the Hinkley Point A site.

Full details of the existing conditions were set out: Existing Condition 3: Planning Ref 3/32/16/018 (ISF) *Condition 3 - Waste Storage and Waste Encapsulation:-*

No radioactive waste to be encapsulated within the development hereby permitted shall be imported to the site from outside the Hinkley Point `A` site. Reason: To ensure that the encapsulation facility only deals with nuclear waste originating from within the Hinkley Point `A` site to minimise the detriment on the surrounding area.

The applications would allow for the importation of ILW to Hinkley Point A for packaging and interim storage until the national Geological Disposal Facility (GDF), which would provide a permanent disposal facility for radioactive waste, becomes available. The ILW would comprise skips which are disused metal containers that once held spent nuclear fuel; after the last of the fuel was transported for reprocessing, the skips and a range of redundant items were left and are now ready for encapsulation and interim storage pending final disposal. The size

reduced skips are currently situated at Magnox Limited sites at Oldbury, Sizewell A and Dungeness A.

Once at Hinkley Point A, the imported ILW skips would be loaded into concrete boxes, a temporary lid placed on each box, and the boxes transferred to the encapsulation plant for grout infill and final lidding ready for transfer to the ISF for interim storage.

The applicant had not proposed or provided suggested wording for the variation of the condition. However, they did suggest a preference for new conditions to restrict imports to size reduced ILW skips from three named locations.

The transfer of ILW skips would take place over a period of months on a campaign basis. The applicant estimates that a maximum of around 90 baskets would be imported to Hinkley Point A, containing around 110 size-reduced skips.

The Indicative Import Schedule set out the proportion of total origin site Material:-

Sizewell 'A' 35 skips 32%
Oldbury 25 skips 24%
Dungeness 'A' 50 skips 45%

The total number of vehicle movements associated with this development, including delivery of concrete containers and materials as well as the ILW skips, will be 92. All HGVs will be routed via M5 Junction 23, A38 Bristol Road, The Drove, Western Way, Homberg Way, A39 Quantock Road, Cannington Bypass, Withycombe Hill and Wick Moor Drive.

The waste would be transported within an International Organisation for Standardisation (ISO) freight container or similar. There will be no abnormal loads and no requirement for a police escort. At the time when the Geological Disposal Facility (GDF) becomes available, all stored packages will be transferred away from the Hinkley Point site.

The Application Plan and documents were submitted with the application:

(v) Environmental Impact Assessment

An assessment of the proposed development in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 demonstrated that the proposal does not require Environmental Impact Assessment (EIA).

Although the proposed development falls within the confines of Hinkley Point A nuclear power station, the proposal relates to the importation and storage of ILW and not to power generation.

Although the proposed development would result in radioactive waste being stored in a different site to the production site, the approved ISF has not been designed solely for the storage of that imported waste. The design of the ISF was such that a storage building of this size could accommodate all of Hinkley Point A's own packaged ILW. The purpose of the facility is clearly for the storage of ILW generated at Hinkley Point A, it merely has sufficient spare capacity that it can also store some further packages containing imported ILW skips.

The application was screened and submitted under Schedule 2 (13)(b) as the proposal involves modification to the approved ISF and encapsulation plant developments. The proposals would only constitute Schedule 2 development if:

(i) the development as changed or extended may have significant effects on the environment; or

(ii) in relation to development of a description mentioned in column 1 of the table, the thresholds and criteria in the corresponding parts of column 2 of the table are met or exceeded

In this case, the site is not within a 'sensitive area' as defined by the Regulations. While there are a number of ecological and landscape designations in proximity to the site, it is not considered that, given the scale of the proposals, the proposals are likely to give rise to significant effects on the environment. The nature of the proposed development will introduce HGV traffic movements not previously envisaged, but these are small inscale and would not be significant.

The outcome of the EIA screening for the current application concludes that the proposed development does not fall within the scope of Schedule 1. The proposed development has been considered under Schedule 2 (13)(b) of the Regulations, but it is the view of Somerset County Council, as Waste Planning Authority, that the proposal is not likely to have significant environmental effects by virtue of its nature, size and location and, therefore, does not constitute EIA development.

(vi) Consultations

External Consultees

Somerset West and Taunton Council: Objected to the applications in principle. The applications were discussed at the full Council at Somerset West and Taunton on 30th July 2019. The following response was provided:

"The Council voted on a motion that raised an 'in principle' objection to the two planning applications. The motion was carried. Therefore, the official response of Somerset West and Taunton Council to the two planning applications (same in both instances) is as follows –

The Council notes the conclusions of the officer's technical appraisal but expresses strong concern about the import of nuclear waste from outside Somerset."

Stogursey Parish Council: Objected to the applications on the grounds of:

- unacceptable increase in traffic, no matter how limited, on to roads that are already burdened with the huge increase in traffic arising from the construction of the Hinkley C nuclear power station;
- adverse effect upon the environment that the importation of any toxic substance would have and on the basis that area has enough nuclear waste to consider; and:
- objection to a planning system that refuses to consider the wishes of local people who wish to object to the principle of the importation of nuclear waste into their community.

Sedgemoor District Council (adjacent District Authority): Provide advice with regard to the relevant planning policy, process and planning assessment, and commented that:

- National Planning Policy for Waste (2014) remains relevant, providing some support for waste management across waste authorities and collaborative working whilst considering likely impacts on local environment and amenity. The Nuclear Decommissioning Authority Strategy supports sharing management infrastructure' including interim storage;
- In terms of local policy, note that the Somerset Waste Core Strategy (2013) had not changed since the original consents were granted. This document states the requirement for consideration of impacts on environment and local community (Policy DM3), impacts of waste transport (DM6), radioactive waste storage(DM9);

Bridgwater Town Council (nearby Council): Objected to the application and raises concern over the distance the transportation of intermediate waste will cover – approx. 300 miles. Concern that there should be sites closer to the origin of the intermediate waste. Concern regarding the environmental and safety impact. Concern that no Environmental Statement was required. Notes that there are no economic, social or environmental benefits to Bridgwater.

Watchet Town Council (nearby Council): Opposed the proposal and consider that the change of use from a generating site to a storage facility was not supported.

Nether Stowey Parish Council (nearby Council): Objected to application and raises concern that the transportation by road of such waste was an unnecessary risk to the area.

Further responses were set out provided by the following consultees:-

Pawlett Parish Council;

Nuclear Free Local Authorities;
Bridgwater & District Civic Society;
Highways Development Management;
Minerals & Waste Planning;
Somerset Scientific Services and;
County Ecologist:

County Councillors for nearby Divisions, Cllr Redman, Cllr Loveridge and Cllr Davies provided objection to the application on the grounds of inadequate safety preparation & lack of detail in transport strategy. Further points raised included: By not completing an 'Environmental impact assessment' prior to application, potential issues relating to transport was not considered, the variation requested does not consider transportation of the radioactive waste and the impact that this could have should there be an incident, either involving the transport or how the transport would be impacted if there was an incident on the highway; and the existing permissions, sought to amend, had not considered the import of waste to the site, and as such constitutes a considerable difference between the existing and proposed by virtue of the transportation routes, due to the transport method and distance, there should be a need to review the additional risks relating to vehicles, containment and route, with particular worst case scenario planning.

(vii) Development Plan and Material Considerations

The development plan consisted of the following documents, with their policies of relevance to this proposal set out in Section 10 of this report:

- Somerset Waste Core Strategy, adopted in February 2013;
- West Somerset Local Plan to 2032, adopted November 2016; and
- West Somerset District Local Plan (Saved Policies) adopted April 2006

Material Considerations

Other material considerations given due weight in the determination of the application included the following:-

- National Planning Policy for Waste [NPPW], October 2014;
- National Planning Policy Framework [NPPF], February 2019;
- Planning Practice Guidance [PPG];
- Nuclear Decommissioning Authority Strategy, March 2016; and
- Nuclear Decommissioning Authority Higher Activity Waste Strategy, May 2016

(viii) Case Officer's Conclusions

It was considered that the report demonstrated the importation of ILW and the associated affects would be mitigated to the extent that they are within acceptable levels, consistent with Policy DM3 of the Somerset Waste Core Strategy, and should therefore not prevent the granting of planning permission.

A number of objections had been made in respect of the proposals, but the issues raised had been taken into account, in so far as they are material to this Section 73 application, when considering the proposed development.

The variation of planning Condition 3 of planning permissions 3/32/16/018 and 3/32/17/005 would permit the importation of ILW packages from Magnox's Oldbury, Sizewell and Dungeness A sites by road transport. The purpose of the change is to utilise spare capacity within the existing ISF at Hinkley Point A and to avoid the need for a further storage building having to be constructed with all the additional costs and environmental constructional impacts resulting from new development on the local community and on the similarly sensitive environments.

The proposal would conform with a national strategy for interim storage of ILW until the long-term geological disposal facility is ready to receive these waste materials.

The importation would be limited to approximately 110 skips and the transportation would take place along an agreed route outside peak hours. The Highway Authority did not consider the impact to be significant and does not require a condition to limit the hours or the route. However, a condition limiting the delivery times of deliveries and the route to be used is considered appropriate in the interests of amenity of the area and to control the operations on the site. A condition to control these transport issues would comply with the observations by Sedgemoor District Council and is considered to accord with Policy DM3 and DM6 of the Waste Core Strategy.

Whilst Nether Stowey Parish Council, Watchet Town Council, Pawlett Parish Council, Bridgwater Town Council and Stogursey Parish Council have objected in principle to the importation of waste into the county from other sites, no other statutory consultees responsible for safety and transit of the waste have objected. These matters are covered by other regulations separate from the planning system. The principle of ILW storage has been accepted on the Hinkley Point site and these matters are not material to the planning decision in this case. The proposal does not give rise to any other material considerations that indicate that the decision should be refused.

Taking the above into account, it was concluded that the proposals were acceptable in planning terms subject to conditions set out in the report.

(viii) Public Speakers/Further Representations

The Committee heard from the following members of the public:

Sue Aubrey, Joint Co-ordinator of The Stop Hinkley Campaign.

Stop Hinkley objects to Magnox importing waste to Hinkley Point A, we believe that radioactive waste should be managed on site where it is produced or as near as possible to that site. In the consultation document a total of 115 skips of intermediate level waste are planned to be moved to Hinkley Point A. The 2016 radioactive waste inventory produced by the NDA suggested there were plans to move a total of 520 skips. Does this mean that Magnox, NDA will come back later to seek permission to transport a further 400 skips?

Transport of radioactive materials by its very nature gives rise to the risk of accident with the potential that could impact the safety of people, property and the environment. What tests have been performed on these containers to ensure in the event of an accident they will prevent loss or dispersal of the radioactive contents? Is there a limit set for the level of radiation on the external surfaces of the container? Will the transport containers comply with international regulations, if so which ones? What arrangements are being made for emergencies should there be an accident? Will the NDA enter discussions with the local authorities through which transports are made, particularly with local authority emergency planning officers and the emergency services and will they inform local authorities on the transport routes before the transports are made?

Alan Hurford (on behalf of The Bridgwater Civic Society)

Addressing the issues in paragraph 8.1 in the report, as a society on behalf of Bridgwater, we believe is less about the amount of movement of the capacity of the built-on site that will be used for the temporary storage facility but about the principle of waste being transported from other nuclear sites and specifically the importation of ILW skips.

Condition 3 on the ISF approval and the encapsulation plant approval relating to no importation were imposed for good reason to minimise the detriment on the surrounding area, that still applies, HGV movements through Bridgwater by whichever route and failure by EDF and the inspectorate to listen to calls to create a bypass means that the proposals will still add to already heavy traffic.

Despite no EIA being required, there is an effect on the environment and even more safety issues for our residents and those across the 300 mile journey along with the danger to road users should an incident occur. Highway issues since the 2017 consent have got worse. The objections set out in the report are concise and must be taken into account.

The precedent that the application would give is unacceptable to us, and the councils minerals and waste policy has attacked the import of anything radioactive. The applicants response dismisses community benefit. If this import principle is accepted, who is to say more land on Hinkley point A or B may not be found?

Brian Smedley (on behalf of Bridgwater Town Council)

The town council had considered this request for variation and raised objection to this, as part of the consultation the Hinkey representatives came to the town council to set out the proposals and took questions, with the town council still not convinced. There were potential sites closer to the points or origin to avoid a 300 mile trip. Radioactive waste should be managed at the point of origin. The transportation has to raise concerns around the environment and safety and impact on the effected communities and add to congestion around these communities.

Supporters:

Jonathan Jenkins (Nuclear Decommissioning Authority)

Our strategy makes best use for existing and planned assets, avoiding the need to build new waste stores and associated plans. This strategy was subject to a full public consultation, has been approved by Government ministers and has the weight of government policy, as reflected to changes to policy DM9 in 2012. This planning application will allow Magnox to transport a relatively small quantity of waste from three Magnox sites to encapsulate and store at Hinkley point A, pending final disposal of the waste, significantly reducing environmental, health and safety and cost impacts by avoiding the need to build interim stores and encapsulation plants at these sites. Magnox has held 5 community events in Bridgwater, Stogursey and Cannington and Wembdon to explain these proposals to stakeholders and members of the public; as well as regular engagement through the Hinkley Point site stakeholder group. Unsurprisingly opinions have been varied, whilst some have expressed support, others have opposed the plans. Two of the issues regularly raised and sit within the NDA's remit were community benefit and geological disposal. The NDA accepts two possible grounds for community benefit, first when measures are needed to overcome a legitimate objection to granting planning permission and secondly when measures go beyond what is required to make a development acceptable in planning terms which are still related to the proposed development in a meaningful way. In our view the proposed development being considered today will have a minimal impact and therefore these grounds do not apply. Its worth mentioning that both Gloucestershire and Essex County Councils have previously permitted the transportation of much larger quantities of waste without conditions for community benefit. Furthermore the NDA operates a socio-economic scheme to help mitigate the impacts of the decommissioning programme to which organisations from all Magnox sites are entitled to apply for grant funding. On geological disposal, UK Government policy states the finding a site for Geological disposal is well underway and is entirely separate from the interim storage for intermediate level waste at Hinkey Point. We expect the geological disposal facility to become available from 2040 nationally and from 2060 for Magnox Waste. The NDA's budget is constrained and alternative plans to manage this waste would have a financial impact and would effect the decommissioning process. We therefore urge the committee to approve the application

Applicant:

Dr Stephen Wilmott (Principal Consultant – Magnox Ltd)

Many of the redundant skips are being disposed of to the low level waste depository in Cumbria, the remaining skips need to be packaged and interim stored until a national disposal facility for intermediate level waste is available. The concrete box is the best type of container for this type of waste, by transferring the skips to Hinkley Point A Magnox can use the concrete box facilities Hinkley needs for its own waste. Hinkley Point A is the only place will all of the concrete box facilities required and with spare storage capacity. Concrete box facilities do not exist where the skips are currently held and they are not otherwise required at those locations. It would involve a great deal of public money and have a greater environmental impact to build the same facilities at the skip site as those that will exist anyway at Hinkley Point A. The NDA support the proposals and the environment agency agree this is the best approach. The office for Nuclear radiation do not object, these proposals are consistent with all relevant policies including Somerset's radioactive waste management policy DM9, in our view there is no reason for refusing these applications and permission should be granted

Local Member:

Cllr Hugh Davies

I am heartened by the opposing comments I have heard so far. I was further heartened to read so many written responses from different groups including many local councils in my district. I would ask time is spend addressing some of the important points put by Sedgemoor District Council.

How can this can be seen to be transparent, Hinkley Point A must have had an intention when increasing the capacity to store waste from other locations, why was this not indicated when the request to vary the original plans were submitted? It can be further questioned what happens to B station when it closes? How does he proposal fit in with the waste strategy or limit waste miles?

Permission should be refused due to the increase risk and lack of impact assessments relating to transportation of waste.

Debate

The Committee proceeded to debate during which Members discussed - with the Case Officer responding as appropriate, points raised included:

- The committee thanked officers for the site visit and officer for the comprehensive report and Core strategy waste document;
- Policy DM6 was referred to with regards to the transport statement and travel plan, the view was held that significance

of the proposals should warrant more than the importance than has been given due to the risks of transporting the waste;

- Concern was expressed over varying of the conditions in the proposals, and transporting low level waste should only be planned within Hinkley A site. The requirement for a Environmental impact assessment raised;
- Dealing with waste where its created was considered the responsible approach to supporting the environment in Somerset;
- The option of transporting with a police vehicle escort had been done in the past. Concern for the welfare of the people of Somerset with the risk and impact of road traffic accidents and perceived risk to the general public wasn't acceptable;
- Condition 3 on waste storage items 1 and 2 stated no waste imported into the site, only low and intermediate level waste should be stored in the facility. Transportation of the waste and the potential terror risk, lack of proper travel plan did not enable the committee to make a firm and sensible decision round risk. Provisions made by the police were encouraged and contributions from them on the transportation;
- Condition 3 was in place to ensure storage facility deals with waste only from Hinkley A site to minimise the detriment on the surrounding area. The committee were not convinced that this condition needed to be varied. Residual spare capacity could be required for other waste not currently accounted for from the decommissioning of Hinkley A;
- Levels of objections from the local community were highlighted. 8 objections were received from town and parish councils around the risk. The application appeared to go against waste policy along with the lack of a risk assessment relating to transportation across the County. Concerns were provided around future waste and where it is stored on the site should space not be available;
- Deliberation was given that it would cost less transporting the waste than dealing with it at the point of origin. The committee understand the reasoning of Magnox and justification of cost didn't overrule the established principle of dealing with waste at source;
- Public perception was not satisfied and the risk of further future variations were considered should a precedent be set by approving the application.

Motion

Cllr Parham, seconded by Cllr Keating, moved the recommendation as set out below.

Decision

The Regulation Committee RESOLVED unanimously:

That planning permissions SCC/3627/2019 and SCC/3628/2019 be **REFUSED** as the applicant has not successfully demonstrated that there is a requirement to amend the existing conditions (applications 3/32/16/018 and 3/32/17/005) that no radioactive waste shall be imported to the site from outside the Hinkley Point 'A' site to minimise detriment to the surrounding area.

5 Variation of Conditions 1 and 4 of Planning Permission 4/25/14/0017, Land at Allerford Road, Norton Fitzwarren, TA4 1BH - Agenda Item 6

(1) Committee Report

The Committee considered the report setting out planning application 4/25/14/0017, Variation of Conditions 1 and 4 of Planning Permission, Land at Allerford Road, Norton Fitzwarren, TA4 1BH.

(2) Case Officers Presentation

(i) Introduction

The Case Officer, Mr A Hill, made a presentation on Application No. 4/25/14/0017 which covered the matters referred to in (ii) to (viii) below as a basis for the Committee's consideration of the application.

(ii) Key Issues

The key issues for members to consider are:

- need for the development;
- development in the countryside;
- landscape and visual impact;
- residential amenity including noise impacts;
- traffic and highway implications; and
- flood risk.

(iii) Application Site

The application site set out was located 130m south of the B3227, accessed from the Allerford road, and located adjacent to Allerford Pond and the West Somerset Railway (WSR) line. It extended to about 1.3ha and measures approximately 170m x 90m (maximum). Within the site there is a gentle downslope eastward towards the railway line, dropping 3-4m over its length. Hardcore has been laid over much of the site.

At the Regulation Committee meeting held on 1 March 2012, it was resolved to grant planning permission for a stone storage, crushing and screening operation at the current application site (ref. 4/25/12/0002). This temporary permission required the use of the land to end on or before 31 December 2014, restoration of the site on or before 31 December 2015 in accordance with an approved restoration scheme,

and aftercare thereafter for a period of five years.

A subsequent application (4/25/14/0017) to vary conditions relating to the time limit and operating/working hours was considered by the Regulation Committee on 17 July 2014. The revised permission requires the use of the land to end on or before 31 December 2019, restoration of the site to be achieved on or before 31 December 2020 in accordance with an approved restoration scheme, and aftercare subsequently carried out for a period of five years. Operations were currently limited to the following times:

- (i) Stone delivery to the site, and crushing and screening operations, shall not take place except between 0800 and 1800 hours.
- (ii) There shall be no more than 12 emergency stone deliveries to the site on Saturdays, Sundays and Bank / Public Holidays in any calendar year and no more than 1 emergency delivery per day. The Waste Planning Authority shall be notified in writing within 72 hours of when such a delivery has taken place.
- (iii) There shall be no stone crushing and screening operations on Saturdays, Sundays and Bank / Public Holidays.
- (iv) The loading and dispatch of processed stone from the site shall not take place except between 0730 and 1800 hours on Mondays to Saturdays.

On 28 May 2013 Taunton Deane Borough Council issued conditional approval for the retention of a large part of hard standing area associated with the stone crushing operations and creation of access tracks on land to the south and west of the crusher area under planning reference 25/13/0010.

It is proposed to retain approximately 60% of the existing hard standing area once the stone recycling operations have ceased, for the following reasons:

- to provide a 'park and ride' facility serving the annual Steam Fayre and Rally;
- to provide an area for unloading traction engines and other exhibits safely;
- for shows during wet seasons, to exhibit heavy vehicles;
- to assist traffic management; and
- to reduce the risk of mud being deposited on the highway.

(iv) *The Proposal*

The planning application related to an existing temporary stone crushing and screening activity which it is proposed to extend the current temporary planning permission for a further five years to the end of 2024, and also extend the period for the implementation of the required restoration scheme from 31 December 2020 to 31 December 2025.

3.2 The existing use at the site comprises the following operations:

□ *clean, inert spent rail ballast (tested by Network Rail) is brought to site by train and deposited alongside the track; □ the deposited ballast is moved away from the track by loading shovel to the preliminary screening area; □ the ballast is screened to remove any alien and oversized material, if present; □ screened ballast is crushed and screened again; □ crushed and secondary screened material is separated by particle size; and □ aggregates are distributed for use in the infrastructural works on the WSR or for sale off site.*

3.3 The material deposited from the trains is also retested on site for particle size distribution and chemical composition to ensure that the material is inert and conforms to Class 1B aggregate standards. Some aggregate may be used without any crushing or secondary screening. Once the material has been processed it meets British Standards for highway and construction and is 100% recycled.

3.4 Within the site the spent ballast storage mound rises to over 6m in height. A slew operates on the mound to feed a series of crushing and screening plants aligned westward alongside which are piles of aggregate of various grades. On the northern edge of the site is a welfare cabin, and at the western edge is a mound of topsoil that had been removed from the site.

3.5 The site is operated by Luffman Plant under an Environmental Permit [ref. no. EB3031AH/A001] issued in March 2012, which provides for up to 75,000 tonnes of material to be processed per year and regulates noise and vibration.

(v) Environmental Impact Assessment

A screening assessment of the proposed development in the context of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (herein referred to as 'the Regulations') has been undertaken.

It was concluded that the reprocessing of aggregates for reuse is a recovery operation that does not feature in either Schedule 1 or Schedule 2 of the Regulations and, therefore, the application development is not regarded as 'EIA development'.

An additional response was provided by the county ecologist:-

Thank you for forwarding the Environmental Management System v5 Nov 2018 report. It would appear that the mitigation options presented within the report are sufficient to mitigate negative impacts to species which are likely to be using the habitats surrounding the site. Furthermore, as this is an extension of time for operations, it is highly likely that any protected species which may be present within the surrounding habitats, if present, will have adapted to the presence of the operations.

In conclusion, I am satisfied with the Environmental Management System and no longer have further ecological concerns at this time.

(vi) Consultations

The following responses had been received by external consultees: -

Somerset West and Taunton Council: No objection.

Norton Fitzwarren Parish Council:

'SCC shall confirm that the validity of the current Restoration & Aftercare Plan covers both the existing and increased timescales (to 2025) and does not result in any long-term detriment to the visual amenity and landscape character of the area.

WSR should confirm working hours and that noise levels from the site, which are subject to an EA permit are not and will not be exceeded, given that there is the potential for a new housing development adjacent to the facility.'

Environment Agency: No comments received.

Network Rail: No comments received.

Internal Consultees

Transport Development: No objection.

Scientific Services (Noise): In his report, the officer stated:

"I raise no objection to the principle of this application for a further five years of continued ballast recycling with associated transport activities, subject to improved specification of process and noise mitigation. I propose the operator be required to define more permanent noise containment of processing operations and I have also requested the EA provide detail of any further requirements they might have required for noise control. I would recommend that revision is required of the site layout plan and that these matters are then referenced with modified wording to planning condition 2 prior to the issue of planning consent.

There would appear no information to establish the existing levels of site throughput or delivery scheduling and as such this would make assessment of escalation of site impacts difficult to establish. The present status of housing development at Ford Farm remains unclear. In my view this development supports the objective to improve planning requirement for effective enclosure of the noise from processing."

Following agreement of the applicant to a condition maintaining the height of stockpiles to provide a noise barrier, together with submission of an updated site plan and an Environmental Management System, the acoustics officer raises no objections subject to specification of this information in the planning permission.

Scientific Services (Air Quality): No comments received.

Mineral and Waste Policy: No comments received.
Public Consultation

Three representations were received: one letter of support highlighting how the operation is an asset to local businesses using recycled aggregate; and two letters of objection from residents of Norton Fitzwarren highlighting the following issues:

- the documented issued with noise nuisance from the site, with
- noise having become intolerable as activity at the site has
- increased;
- the need for strict noise limits to be attached to any further
- permission;
- the unsuitability of the site for a commercial use on an industrial
- scale;
- the impact on the enjoyment of users of the playing fields and
- public footpath;
- the inappropriateness of the local road network and narrow lanes
- for the size and type of vehicles accessing the site, with a need to
- restrict the size and nature of vehicles; and
- the inadequate level of notification of local residents for this
- application.

(vii) Development Plan and Material Considerations

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

- National Planning Policy for Waste (NPPW), October 2014;
- National Planning Policy Framework (NPPF) (February 2019);
- and
- Planning Practice Guidance (PPG).

(viii) Case Officers Conclusions

The operation commenced as a temporary use of land associated with the construction of a turning head for the West Somerset Railway (WSR) and supplies the need for stone at other WSR development sites, and for sale to other users thereby providing an income to the WSRA. Although the deliveries of spent ballast to the site are by rail, the collection and haulage of the processed material is by road.

The ongoing use of the site has some impact on the landscape, functional floodplain and local roads, and it can be considered that the stone processing site is not ideally located. However, no obvious alternative site is available, and the development and operation of the

site for the processing of stone / ballast has been in place since around 2006 and appears to have had limited adverse impacts.

While objections have been received from two local residents, primarily on grounds of noise impacts, it is considered that the distance of the site from the edge of Norton Fitzwarren limits the likelihood of any significant adverse effect from noise that may be generated by the operations.

Given the previous planning permissions, it is recommended that permission be granted for a further five years subject to the imposition of the following conditions, with authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions being delegated to the Strategic Commissioning Manager

Public Speaker

The Committee heard from Mr Trebble, a local resident, who raised a number of points including: there was no noise barrier between the application site and residential properties; the noise prevented enjoyment of his garden; that noise levels should be imposed; that he had been visited by the County Acoustic Officer; the original permission was granted on a temporary basis, and as such the permission should not be made longer term; and that he was not notified of this application.

Debate

- the committee considered if the previous application was relevant to the current application in addition to the visual and geological impact. The committee were of the view that no further temporary permission should be applied to future applications;
- statutory noise legislation was in place and noise recordings had been assessed by equipment from the acoustics officer.
- it was recognised that some of the site was within the flood plain.
- a response from the environment agency was discussed with consideration of the five year period since the conditions in place from the previous application.

Motion

Cllr Parham, seconded by Cllr Taylor, moved the recommendation as set out below.

Decision

The Committee resolved in respect of planning application no. SCC/3637/2019 that planning permission be **GRANTED** subject to the conditions set out in section 8 of the officer's report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

The Committee further noted that in their opinion any future applications should be of a permanent nature.

6 **Any Other Business of Urgency - Agenda Item 7**

There were no other urgent items of business.

(The meeting ended at 12.30 pm)

CHAIRMAN

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