



**Area South Committee - Wednesday 2nd September 2020**

Please find attached the draft minutes of the meeting held on 1 July 2020.

# Agenda Item 1

## South Somerset District Council

**Draft Minutes** of a meeting of the **Area South Committee** held at the **Virtual Meeting - Virtual Meeting using Zoom meeting software on Wednesday 1 July 2020.**

(2.00 - 3.25 pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

John Clark (until 3.00pm)	Tony Lock
Nicola Clark	David Recardo
Karl Gill	Gina Seaton
David Gubbins	Peter Seib
Kaysar Hussain	Alan Smith
Andy Kendall	Jeny Snell
Mike Lock	Andy Soughton
Pauline Lock	



**Officers:**

Jo Boucher	Case Officer (Strategy & Commissioning)
Paula Goddard	Specialist (Legal Services)
Adam Burgan	Arts & Entertainment Manager
Tim Cook	Locality Team Manager
Linda Hayden	Specialist - Development Management

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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**175. Minutes of previous meeting (Agenda Item 1)**

The minutes of the Area South Committee held on Wednesday 3<sup>rd</sup> June 2020, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

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**176. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillors Graham Oakes, Wes Read and Rob Stickland.

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**177. Declarations of Interest (Agenda Item 3)**

The following Councillors declared a personal interest in item 11 Planning Application 19/03143/FUL as they are either an ex-employee or had a relative who was a current employee of the company.

Councillors David Recardo, Andy Soughton, Andy Kendall, John Clark, Tony Lock, Karl Gill and Peter Sieb.

They did not consider the interest was prejudicial and would consider the application with an open mind.

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**178. Public question time (Agenda Item 4)**

There were no questions from members of the public.

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**179. Chairman's announcements (Agenda Item 5)**

The Chairman informed members that the Area South Committee scheduled in August would only take place if there were planning applications to be determined.

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**180. Reports from representatives on outside organisations (Agenda Item 6)**

Councillor John Clark informed members that the Westfield Community Association had successfully applied for a grant for a 'pocket park' on derelict land in the area; a planning application was now being prepared to take this forward.

Councillor Andy Kendall informed members that the Yeovil Sports Club had put in a planning application for an extension to improve public facilities.

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**181. Annual Update Report on the Octagon Theatre (Agenda Item 7)**

Adam Burgan, Arts and Entertainment Venues Manager presented the report and with the aid of a powerpoint presentation updated members on the following:

- Arts & Entertainment service- supporting a diverse range of events, including night-time economy, education, deliver for the communities and offering opportunities for local talent.
- Referred to the growth of attendance over the last few years, with Westlands on track with business plan and over the same period Box Office receipts have grown from £1.1 million to £2.8 million.
- Octagon Theatre has been admitted to the Trip Advisor 'Hall of Fame' for receiving highly positive reviews and achieving a 'Certificate of Excellence' for the last five consecutive years. Westlands Entertainment Venue has received a 'Certificate of Excellence' for the second year running. Panto ticket sales ever increasing with last year 29,800 tickets sold.
- 63% of tickets now sold online.
- Octagon Feasibility Study being carried out with Stage One being completed July 2020.
- Impact of COVID-19 including cancelled performances, conferences and classes with some funding received to help support online classes and workshops.
- Confirmed the Octagon Theatre was still currently closed, however, Westlands was being used to house the well-being hub, with many staff being re-deployed to this service and various other areas within the Council.

- Pleased to announce Westlands can begin screenings from 6<sup>th</sup> July 2020 with 22 screenings per week and with appropriate measures in place to ensure guests and staff are safe.

The Arts and Entertainment Venues Manager concluded that they continue to monitor the national and international developments and hope to be able to welcome the public back into these venues as soon as possible.

In response to questions, the Arts and Entertainment Venues Manager informed members that:

- Work has been completed on the installation of the air conditioning within the Octagon Theatre, but as yet are unable to fully test the system due to its current closure.
- Further improvements have yet to be undertaken, as chosen to re-deploy staff to support other services within the Council and a need for further financial clarification before any further works can be carried out.
- Yet to confirm the arrangements for the forthcoming literary festival but as a minimum hope to share content online. Further information will be sent direct to the member as soon as it is available.

Members congratulated the Arts and Entertainment Venues Manager on the success of the Arts and Entertainment Service and wished to thank him and his team on the support given to various other services within the Council at this current time.

**NOTED**

## **182. Area South - Covid - 19 Community Response (Agenda Item 8)**

The Locality Team Manager presented the report and invited members to comment and raise any issues or concerns relating to the current Covid - 19 pandemic within their wards. He updated members on the following:

- Work now being undertaken to help support non-essential retailers and towns on the re-opening of the high streets. This work is ongoing.
- Work also being carried out following the recent government announcement for the re-opening of play areas. Risk assessments and mitigation measures are being put in place to safely re-open play areas from 4<sup>th</sup> July 2020.

During a short discussion, members raised the following comments:

- Concern regarding the recommencement of dance classes at Birchfield Community Hall and the legal guidelines regarding this issue.
- Appreciate the recent traffic restrictions within the town centre, however, concerns have been raised regarding the prevention of buses being able to drop off at the Borough. The public now having to walk a fair distance up into the town from the only drop off point at the bus station. It was noted, that drop off points have been located within Princes Street, however, it was understood that the Bus Companies had not chosen to use this facility.
- Concern also raised regarding the lack of advertising to inform the public of the temporary relocation of Taxi pick up points at Princes Street.

In response, the Locality Team Manager noted the comments from members and would action accordingly.

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**183. Area South Forward Plan (Agenda Item 9)**

The Case Officer – Strategy and Commissioning updated the members on the Area South Forward Plan and the current situation regarding forthcoming reports.

Councillor Andy Kendall requested that a report be brought to committee concerning the security of the town centre and the integration of CCTV has had with the police during the current Covid-19 pandemic.

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**184. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)**

Members noted the Schedule of Planning Applications.

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**185. Planning Application 19/03143/FUL - Building 166 Gkn Westland Helicopters Lysander Road (Agenda Item 11)**

***Proposal: Demolition of existing building and the erection of a new warehouse and distribution centre.***

The Specialist, Development Management presented the application as detailed in the agenda and with the aid of a powerpoint presentation proceeded to show the site and proposed plans.

She referred to the key considerations regarding this application being residential amenity, highway safety and visual amenity. She considered the distance and impact of the proposal to the nearby properties was not adverse or sufficient to refuse the application and was not overly dominant considering the mixed nature of the surrounding area.

The Specialist, Development Management also confirmed that a condition would be included to secure the details of the travel plan along with measures for implementation. She considered this acceptable as the proposal is a replacement to an existing building and believed there would be no significant increase in vehicle movement.

She also updated members that Conditions 02, 16 and 22 are to be amended to take into account the revised plans regarding a change to the alignment of the retaining wall structure.

She concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application as set out in the agenda report.

In response to members' questions, the Specialist, Development Management advised members that:

- No mitigation measures have been submitted within the application aimed as a deterrent for seagulls in the area.
- Due to the proposed roof line and windows located within the roof space, where it is assumed much of the lighting will emerge and for security reasons, it is thought this would pose a problem for the installation of solar panels.
- The Highway Authority recommend a condition be included to ensure appropriate signage and access for HGV vehicles accessing the site.
- Confirmed there is a proposed gatehouse and various security features throughout the site to control pedestrians and vehicles accessing the site.
- A proposed condition is to be included to ensure the root protection zones of nearby trees are protected during construction of the store located at the front of the site.

The agent then addressed the committee. He explained the site had been vacant since 2017 and that this proposal would provide a state of the art logistics centre. He said the current site was a mix of ad hoc buildings, which would be replaced by a purpose built building that, would also bring social and economic benefits to the town. He explained the excellent public consultation event that took place and wished it noted that no formal objections had been received. He said all statutory consultees had considered the proposal to be acceptable and felt it was welcome news at this time, with sufficient long term investment for the town.

Ward member, Councillor David Gubbins voiced his support of the application and noted no objections had been received from either the public or the statutory consultees.

Ward member, Councillor Karl Gill also voiced his support for the application and believed it would clean up the site area.

During a short discussion, members voiced their full support of the application. They acknowledged the amount of work the company had done over the years to reduce the number of seagulls on the site but asked that an informative be included to advise the applicant to consider appropriate measures to deter seagulls.

It was then proposed and seconded that the application be approved, as per the officer's recommendation, as set out in the agenda report with amendments to conditions 02, 16 and 22 as previously stated, and with an informative to advise the applicant to consider appropriate measures on the roof of the new building to deter seagulls. On being put to the vote this was carried unanimously.

#### **RESOLVED:**

That application **19/03143/FUL** be approved for the following reasons:

01. The proposal provides a replacement building on an existing commercial site. It is not considered that the proposal will unacceptably impact upon residential and visual amenities, highway safety, drainage or ecology. As such, the proposals comply with Policies SD1, SS1, TA3, TA4, TA5, TA6, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028

#### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

19015\_P0001\_B\_Site Location Plan;  
19015\_P0002\_A\_Existing Site Plan;  
19015\_P0003\_A\_Site Demolition Plan;  
19015\_P0004\_N\_Proposed Site Plan; - replace with  
19015\_P0004\_P\_Proposed Site Plan  
19015\_P0005\_A\_Existing Elevations;  
19015\_P0006\_E\_Boundary Treatment Plan; - Replace with  
19015\_P0006\_F\_Boundary Treatment Plan  
19015\_P0007\_G\_External Finishes Plan; - Replace with  
19015\_P0007\_H\_External Finishes Plan  
19015\_P0008\_E\_Vehicle Tracking;  
19015\_P1000\_B\_Warehouse Plan;  
19015\_P1001\_A\_Office Plans;  
19015\_P1002\_B\_Transport Office Plans  
19015\_P1003\_B\_Roof Plan;  
19015\_P1004\_D\_Warehouse Elevations;  
19015\_P1005\_D\_Gatehouse Details;  
19015\_P1006\_G\_External Store Plan;  
19015\_P1007\_F\_Cycle & Smoking Shelter Details  
19015\_P2000\_B\_Warehouse Section A-A  
19015 - Design and Access Statement 28.10.19 (including materials specification)

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby approved shall not be used other than for those activities which fall within the definition of Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure appropriate control over uses at the site in the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

04. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00  
Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

06. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

07. No external fixed plant or equipment shall be located, installed or mounted on the walls or roofs, or adjacent to any of the buildings, whether temporary or otherwise, hereby permitted unless detailed plans and a technical specification, including noise details, have first been submitted to and approved in writing by the Local Planning Authority. Once the details have been approved, the equipment shall be installed in accordance with the approved details and maintained in such a way as to ensure compliance with the submitted specification.

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

08. Lighting will be as per drawing 1532-ESC-00-ZZ-DR-E-2100 Rev: P2 by Engineering Services Consultancy Ltd. October 2019

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

09. No development approved by this planning permission shall commence other than demolition and site preparatory works until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  1. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  2. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved



- verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework
10. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

11. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

13. Piling, foundation designs and investigations using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework

14. No building demolition works, and scrub, shrub and tree removal works, if required, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building, and any vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

15. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to the completion of construction works:
- Installation of 2 X Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.
  - Installation of 2 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework, and ;South Somerset District Council Local Plan - Policy EQ4 Biodiversity / ENPA Local Plan: Policy CES3 Biodiversity and Green Infrastructure; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

16. All hard and soft landscape works shall be carried out in accordance with the approved details as set out in plan 19015 P0007 H External Finishes Plan. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed with the local planning authority.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

17. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

18. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to any construction, and thereafter maintained until completion of the development.

Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

19. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Measures to ensure pedestrian safety.

- Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.
20. Notwithstanding the details shown on the approved plans, the development shall not commence other than demolition and site preparatory works until a scheme detailing the proposed site access arrangements including a stop line and associate signage at the junction of the site access and West Hendford has been submitted to and approved in writing by the Local Planning Authority. Before the development is brought into use the works shall be completed in accordance with the details shown on the approved plans and retained thereafter.

- Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.
21. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

- Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.
22. The areas allocated for parking and turning on the submitted plan, drawing number 19015 P0004 P Proposed Site Plan, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles.

- Reason: To ensure that parking and turning areas are available for their designated purpose in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.
23. The development shall not be brought into use until a Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Service Management Plan for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

- Reason: In the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.
24. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

- Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan.
25. Prior to implementation of this consent, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree protection measures based upon the submitted Tree Survey and Assessment; Land at Leonardo's, Lysander Road, Yeovil, October 2019 Ref: 19/10/191/NH V1.0 relating to the protected tree to the south (Subject of South Somerset District Council (Yeovil No3) Tree Preservation Order 2002, T155, Norway Maple) of the site shall be submitted to and agreed in writing with the Council and it will include the following details:

- rigidly-braced HERAS tree protection fencing around the identified Root Protection Zone;

- notwithstanding the agreed construction of the specially engineered driveway and parking areas, a commitment to avoiding machinery movements, ground-works, amendments to the soil (including rotavating & additions to soilgrade), the storage of materials, the mixing and discharge of cement liquids, the lighting of fires & the installation of below-ground services (including drainage & soak-aways) within the Root Protection Areas of the adjoining protected tree;

Upon approval by the Council, the measures specified within the agreed scheme of tree protection measures, shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping measures.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives within Policies EQ2 and EQ5 of the adopted South Somerset Local Plan (2006 - 2028).

26. The development shall not commence other than demolition and site preparatory works until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at rates and volumes detailed in the approved FRA. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- 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).
- Flood water exceedance routes both on and off site, 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.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

### **Informatives:**

#### 01. Waste

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

#### Onsite

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

#### Off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information

Water Abstraction on site

Construction dewatering has recently come into licensing. The new legislation and exemptions for when a licence wouldn't be required for dewatering is <https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

If you want to remove or abstract water from a surface source (such as river, stream or canal) or from an underground source and take more than 20 cubic metres (approximately 4,400 gallons) a day, you will almost certainly need an abstraction licence.

Environmental Permit

The site has an Environmental Permit under the Environmental Permitting Regulations. The applicant is required to take all appropriate measures to prevent or minimise the emissions from their activities. If the applicant changes the nature of their operations, they must liaise with the Environment Agency over any potential changes to their Permit.

Bio-security

Bio-security precautions should be undertaken when working on sites with water bodies on them. You can view some general advice through the following link: Bio-security

02. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

03. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

04. The applicant is advised to consider appropriate measures on the roof of the new building to deter seagulls.

(voting: unanimous)



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Chairman

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Date