

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 & Doultling 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>
------------	--	--	--