

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 8 November 2018 at 14.00 in the Meeting Room, Taunton Library.

Present

Cllr J Parham (Chairman)

Cllr J Clarke

Cllr S Coles

Cllr N Hewitt-Cooper

Cllr M Keating

Cllr M Pullin

Cllr N Taylor

Other Members Present: Cllr P Ham

The Chairman welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and highlighted the rules relating to public question time.

1 **Apologies for Absence** – agenda item 1

Cllr M Caswell, Cllr A Kendall

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 were available for public inspection in the meeting room:

Cllr S Coles

Member of Taunton Deane Borough Council
Member of the Devon and Somerset Fire
and Rescue Authority

Cllr N Hewitt-Cooper

Member of Mendip District Council

Cllr J Parham

Member of Mendip District Council
Member of Shepton Mallet Town Council

Cllr M Pullin

Mendip District Council

Cllr N Taylor

Member of Mendip District Council

Cllr Taylor declared a personal interest in agenda item 5 by virtue of being Chair of the Mendip Hills AONB Partnership Committee and a member of Somerset County Council's Mendip Quarries Advisory Group.

3 Accuracy of the Minutes of the Meeting held on 6 September 2018 – agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 6 September 2018 as a correct record.

4 Public Question Time – agenda item 4

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

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

5 Proposed Deepening of the Quarry Extraction Area, Replacing Asphalt Plant and Extending the End Date at Halecombe Quarry, Leigh on Mendip - agenda item 5

(1) The Case Officer with the use of maps, plans and photographs outlined the application for the deepening of the quarry extraction area, replacing the asphalt plant and associated facilities, retention of the concrete batching plant, reopening of road access to Rookery Farm and extending the end date at Halecombe Quarry, Leigh on Mendip. The application was accompanied by an Environmental Statement following an Environmental Impact Assessment.

(2) The Committee were informed that:

- the main issues for consideration were the need for/principle of development; hydrology/hydrogeology, ecology/biodiversity, and impact on amenity
- site history - there had been a series of consents for extensions and alterations since the earliest planning permission in 1948 and permissions had been granted in 2014 for the deepening of limestone extraction within the Rookery Farm (eastern) part of the quarry that allowed for the construction of a lake for water storage
- the quarry was currently permitted to work to a depth of 68 metres Above Ordnance Datum (AOD) with a requirement for excavation to be completed by 31 December 2021. There were readily accessible reserves for less than one year of production.

(3) The current application sought to deepen the quarry to its maximum extent by extracting limestone beneath the asphalt plant and developing a further four quarry benches down to 10 metres AOD. The final proposed level was comparable to other quarries in the area such as the nearby Whatley Quarry and Torr Works. The proposed depth increase would raise the total amount of reserves to approximately 16.5 million tonnes, sufficient for 24 years of production at the current extraction rate of 700,000 tonnes per year. No further deepening of the quarry was possible as there was not enough space

to widen the excavation and apart from a deeper lake all other aspects of the existing restoration scheme would remain unchanged. The historic access road between Rookery Farmhouse and Limekiln Lane would be reopened to light vehicles to serve relocated quarry offices etc in the Farmhouse and the new, more efficient asphalt plant would be positioned to the south of the Halecombe Brook.

(4) The Case Officer reported on the responses listed in the report to the consultation on the planning application for Halecombe Quarry and the reconsultation on the Note from the applicant's hydrogeological consultant and a letter from the Applicant's agent submitted as further information under the provisions of Section 25 of the Environmental Impact Assessment Regulations 2017 to supplement the Environmental Statement previously submitted. The hydrogeology Note took into account the cumulative effect of deepening Halecombe and Whatley Quarries at the same time. Most consultees had raised no objections to the proposed development subject to the imposition of conditions or other comments but objections had been received from Bath and North East Somerset Council (BANES), The (Bath) Springs Foundation and the owner of Whitehole Springs. BANES had no objection to the proposed relocation of the asphalt plant and extraction of stone to the currently permitted depth of 68 metres AOD but considered that there is a potential for dewatering to depths below the artesian head of the Hot Springs (29m AOD) to cause damage to the flow of the springs. The Springs Foundation opposes the application, on the basis that the proposed deepening of Halecombe Quarry could be potentially detrimental to the integrity of the whole of the Bath Hot Springs' hydrogeological system.

(5) The Committees attention was drawn to the late papers received, which comprised:

- comments from the Environment Agency on the proposed conditions and heads of terms for the proposed legal agreement
- representations from Mrs M Stewart of The Springs Foundation reaffirming the Foundation's previous objection to the application and asking for consideration of the application to be deferred to enable further investigations to be made regarding the implications of the proposals for the Bath Hot Springs System and for other issues to be addressed
- a request from Mr M Williams, Principal Building Control Surveyor, BANES, asking for consideration of the application to be deferred to allow the Council more time to review the report and discuss potential mitigations
- formal representations from BANES via a letter from the Council's Team Manager, Development Management (received on the morning of 8 November 2018) highlighting significant concerns about: the possible impact of the proposed development on the Bath Hot Springs, in isolation or in conjunction with other quarries; this matter not having been assessed in the Environmental Statement; the need for the Hot Springs issues to be dealt with by way of a legal agreement rather than

through (overly complex) planning conditions; and asking that the application be deferred pending assessment of the impact of the development on Bath Hot Springs and the Environmental Statement being amended accordingly.

- Request for a postponement of the Committee meeting from Mells Park House

(6) The Case Officer responded to the objections and the representations in the late papers. Further to the objections received from BANES and The Springs Foundation, he highlighted the proposed imposition of a condition (no 4) on any planning consent prohibiting extraction of limestone below 68 metres AOD until an investigation into the impact of quarrying at Halecombe Quarry on the Bath Hot Springs System had been carried out by the quarry operator, to assess whether there had been, would or might be, any adverse effect on the System, with the findings being submitted to the Mineral Planning Authority. Failure to demonstrate no adverse impact would result in the quarry not being allowed to go below 68m AOD. Subsequent bench drops would be subject to further assessments, if condition 4 was complied with, under a separate condition (no. 5). (it was estimated that 10-15 years could elapse before extraction needed to be undertaken below 68 metres AOD to maintain production levels).

(7) In conclusion the Committee was informed that it was recommended that permission for the application be granted, subject to a legal agreement consolidating/replacing existing legal agreements and including an HGV routeing protocol and the establishment of a Community Fund for the benefit of Leigh on Mendip and other local parishes, and planning conditions. These would cover matters including: the time limit for the permission; excavation depth limit; excavation below 68 meters AOD; output limit; dewatering limit; surface water drainage; blasting/noise; dust; lighting; access; landscaping; restoration and ecology/biodiversity/environmental management.

(8) The Committee heard from Mr A Cadell, Estates Manager, Tarmac, who spoke in support of the application and raised a number of points including: the importance of accessing the remaining reserves at Halecombe Quarry; that it would take 25 years to work the remaining reserves; the proposed extensive safeguarding/mitigation measures; the significant investment required; that the plans had been submitted 18 months ago; and that there would be no requirement to deepen the quarry for 12 years if the asphalt plant were to be moved.

The Committee heard from Mr V Grey speaking on behalf of the quarry's workforce and in support of the application who raised a number of points including: there were 147 people directly employed by the quarry; the support the quarry offers to local villages; and the pride the quarry takes in being a good neighbour.

The Committee heard from Mr D Sparks, representing Leigh on Mendip Parish Council who pointed out that the Parish Council fully supported the

application, referring the satisfactory management/monitoring of the quarry's existing activities and the good relationships between the quarry, Parish Council and local residents. Mr Sparks added that the Parish Council would like to see the draft Section 106 agreement.

(9) The Committee also heard from Cllr P Ham, the divisional member who spoke in support of the application and raised a number of points including: the importance of Halecombe Quarry to the local economy; the delay in determining the application and the uncertainty that this had created for the quarry, its employees and contractors/suppliers; the measures being taken to assess any possible impact on, and protect, Bath Hot Springs; the role played by the quarry company in the local community and the benefits of the proposed Community Fund. Mr Ham also asked to see the draft Section 106 agreement before it was finalised.

(10) The Committee proceeded to debate during which Members discussed, and received legal advice where appropriate on, matters including: relevant planning considerations; the role of the Section 106 agreement and planning conditions and their enforcement; BANES' late representations; BANES' apparent unwillingness to share water management monitoring data; the restoration scheme following the expiry of the new consent sought by Tarmac and protection of the environment/habitat; cessation of the current Restoration Fund. The County Council's legal representative explained why BANES' objections in their late representations were not considered to be valid. The Case Officer confirmed that BANES had been unwilling to be a party to a similar legal agreement that exists for Whatley Quarry..

(11) The Committee concluded that the proposed development accorded with policy, had been subject to an Environmental Impact Assessment (including a Hydrogeological and Hydrological Impact Assessment - HHIA) and consultation/engagement with consultees and with the adoption of suitable mitigation measures and other safeguards would not result in any significant adverse impacts on the environment and local amenity. In respect of the water regime, which was the only element of the proposals subject to an objection, it was noted that the HHIA had concluded that the deepening works, when taking into account monitoring and mitigation measures, had minimal potential to cause negative impact in the locality in comparison to the already permitted depth of extraction.

(12) Cllr Hewitt-Cooper proposed the recommendations as detailed in the officer's report, subject to an amendment to provide for the local county councillor and Leigh on Mendip Parish Council to be consulted on the draft Section 106 agreement, and this was seconded by Cllr Keating.

(13) The Committee **Resolved** in respect of planning application no. 17/1022/CNT that planning permission be GRANTED subject to the applicant entering into a Section 106 agreement based on the Heads of Terms included at Appendix 1 and the conditions set out in Section 12 of the officer's report, and the local County Councillor and Leigh on Mendip Parish Council being

consulted on the draft S106 agreement.

The Committee **Further Resolved** that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager, Economy and Planning Policy.

(The meeting closed at 15.23)