

Somerset County Council

Regulation Committee –

Report by Helen Vittery

Service Manager – Planning & Development

*Application Number:* 17/02084/CPO

*Date Registered:* 20 April 2017

*Parish:* Cudworth

*District:* South Somerset

*Member Division:* Ilminster

*Local Member:* Councillor Linda Vijeh

*Case Officer:* Barnaby Grubb

*Contact Details:* [barnaby.grubb@devon.gov.uk](mailto:barnaby.grubb@devon.gov.uk) (01392 383000)

*Description of Application:* Application for the importation of 64,760m<sup>3</sup>, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club.

*Grid Reference:* Easting - 336541, Northing - 110079

*Applicant:* Mr Steve Hill

*Location:* Cricket St Thomas Golf Club, Windwhistle, Cricket St Thomas, Chard, Somerset, TA20 4DG

## **1. Summary of Key Issues and Recommendation**

1.1 The application seeks the importation of 64,760m<sup>3</sup>, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club. The main issues for Members to consider are:

- planning policy considerations;
- impacts on the amenity of local residents and the local community;
- impacts on the local highway;
- impacts on biodiversity and ecology;
- impacts on flood risk/ groundwater and
- impacts on the local landscape.

1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in section 9 of this report.

## **2. Description of the Site**

2.1 The wider Cricket St Thomas golf course site extends to approximately 49 hectares and is located to the north of the A30 on Swan Down and approximately 4km to the west of Chard. The application site extends to approximately 6 hectares and comprises holes 8, 9 and 10, and is accessed through a gateway approximately 850 metres to the north of the A30 along Redscript Lane. It is surrounded by a mixture of agricultural, woodland and recreational land use and general use fields to the north, east and west and the remainder of the golf course to the south.

2.2 There are three dwellings located approximately 200m to the south west, 350m to the east and 400m to the south of the site. The development site is separated from residential properties at Cudworth, to the north-east, by approximately 650m and Chaffcombe, to the west, and Cricket Malherbie, to the north, by at least 1km. There are no properties directly adjacent to the access route from the A30 at Redscript Lane but one property is located approximately 360m to the west of the lane utilising a private road to gain access to it.

## **3. Background and Planning History**

3.1 Cricket St Thomas golf course was originally designed as a nine-hole course in 1932 and was subsequently extended to an 18-hole course in 1991.

3.2 In June 2016 an application for the importation of subsoil for re-grading and landscaping of land to improve accessibility and playing conditions of holes 8, 9 and 10 at Cricket St Thomas Golf Club was originally submitted to South Somerset District Council under reference 16/02414/FUL. This application was withdrawn on 18 August 2016 due to the proposal being considered as a waste operation and re-submitted to Somerset County Council on 20 April 2017.

3.3 The original consultation exercise was carried out in May 2017 but a period of inactivity then followed. Additional information in the form of a Construction Environment Management Plan was then submitted in March 2020 and a re-consultation exercise was carried out in early April 2020.

#### **4. The Proposal**

- 4.1 The application seeks permission for the importation of 64,760m<sup>3</sup>, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club. The majority of the site consists of amenity grassland with a number of areas of semi improved grassland, tall ruderal at the centre and hedgerows at the site boundaries.
- 4.2 As shown by the landscape masterplan, the proposal does not seek to impact upon the site boundary trees and hedgerows but will replace the grassland features highlighted above with wildflower rough, tree planting and a proposed wetland feature in the north western corner.
- 4.3 It is estimated that inert subsoils will be imported onto the site over a period of approximately 18 months and will be used to remodel a section of the course where a number of depressions and steeply sloping areas have been identified as requiring attention in order to:
- improve course playability;
  - improve the long-term economic viability of the golf club;
  - make course maintenance easier, safer and more cost effective;
  - improve landscape integration;
  - enhance course ecology; and
  - reduce the impact of prevailing weather on players.

#### **5. The Application**

- 5.1 Plans and documents submitted with the application:
- Application form and fee
  - Location Plan CST\_001\_A3
  - Topographical Survey WGC/151115 Survey 6 Rev A
  - Landscape Masterplan CST\_003\_AO\_Rev\_D
  - Flood Risk Assessment Reference Hydrock C-04851-C (January 2017)
  - Planning Statement (2017)
  - Design and Access Statement CST\_002\_Rev\_E
  - Transport Statement April 2017
  - Ecological Appraisal Report
  - Construction Environment Management Plan 21/04/2020

#### **6. Environmental Impact Assessment (EIA)**

- 6.1 The Town and Country (Environmental Impact Assessment) Regulations 2017 refer to various types of development in Schedules 1 and 2. Development proposals falling

within Schedule 1 are regarded as 'EIA development' and trigger EIA procedures. For Schedule 2 development, consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

- 6.2 The conclusion of the Council's EIA screening opinion stated that, whilst the development falls within the scope of Schedule 2 of the EIA Regulations, it is the opinion of the Waste Planning Authority that the environmental impact of the disposal of 130,000 tonnes of inert waste over a period of 1.5 years would not be so significant as to require EIA. Following the disposal, the topsoil would be replaced and the application site returned to use as a golf course.
- 6.3 It is considered that other ecological matters and transport impacts can be satisfactorily assessed through information required to be submitted as part of the planning application.

## **7. Consultation Responses Received**

### External Consultees

#### **7.1 South Somerset District Council**

In June 2017 South Somerset District Council commented that:

'The District Council raise no objection on landscape grounds but raises concern over the proposals impact on highways safety, which is an issue to be considered by Somerset County Council Highway Authority.'

Following re-consultation in April 2020 the District Council confirmed that they had '...no further comments to make in respect of this application.'

#### **7.2 Cudworth Parish Council**

In response to the original 2017 consultation Cudworth Parish Council commented:

'The above application lies within the southern boundary of the parish of Cudworth and although not close to the houses in the village, it is on a main route that all villagers use to reach the A30, namely Redscript Lane.

For this reason, at the Parish meeting held to discuss this application, road safety for ALL road users was the primary concern.

The concerns and suggestions were as follows:

New Lane – it was not felt that this was an acceptable alternative route for lorries but may be useful for cars travelling to the A30 instead of using Redscript Lane. However, it is very narrow with few passing places.

Redscript Lane – The plans indicate the passing places on this lane and it was felt strongly that these should be up-graded (suitable surface) and extended to accommodate the lorries/traffic that will be using them. It was also deemed essential that these lay-bys need signs displayed such as "No Parking" or "Passing Place", as they are currently frequently used as a parking spot for walkers and dog walkers alike.

For the safety of all road-users, it was felt that signs indicating the use of the lane by lorries and heavy traffic would be necessary to raise the awareness of everyone using the lane. (Horse riders, cyclists etc) It was felt essential that all traffic to the site is from the A30 and NOT via Cricket Malherbie or Chaffcombe – in both cases very narrow and unsuitable lanes which would be perilous to all road users.

When the proposed works are completed, it was thought that the road surface will most likely have suffered considerable wear and tear and therefore should be repaired to its original good state.

Junction between A30 and Redscript Lane – for the safety of all traffic turning into and particularly out of Redscript Lane, this junction needs to be maintained by regular verge and hedge trimming to maintain clear visibility in both directions onto the A30.

Cudworth Parish Meeting has no other concerns regarding this application, and the majority of villagers present voted in favour of the application.'

No further comments have been provided in response to the April 2020 reconsultation.

### 7.3 **Chaffcombe Parish Council**

In June 2017 Chaffcombe Parish Council commented:

'Although this application is not in the Parish of Chaffcombe, the village of Chaffcombe is the nearest village to the site of the work. The residents of the village of Chaffcombe are likely to be the majority of those who use the roads which will be affected by the ongoing work and the resulting increase in heavy traffic.

Chaffcombe Parish Council has no objections to the application but it does have serious concerns about traffic management and the safety of road users around the site.

The Parish Council believes that to comply with the National Planning Policy Framework the following points in the Transport Policy Context need to be emphasised:

- Section 4.1 / 32 so that "safe and suitable access to the site can be achieved for all people";
- Section 4.3 (ii) - "securing inclusive safe and convenient access ..." and
- Section DM6(b) - "suitable access to the development is deliverable ...."

The specific concerns are as follows:

1. The second holding bay on Redscript Lane, coming from the A30, is very close to the sharp bend which has reduced visibility in either direction. This should be moved further along the road.
2. This sharp bend should have warning signs in both directions for the safety of traffic.
3. The proposed holding bay at the top of Knapps Lane (opposite the site entrance) is not shown on the plan. This holding bay is essential for the safety of traffic on Knapps Lane.

4. Greater emphasis needs to be put on the entrance to the site with hardstanding and wheel washing facilities.
5. Visibility at the A30 junction needs to be improved and monitored to allow for the increase in heavy traffic. The hedgerows need to be cut back significantly and the verges kept regularly mowed. (Sections 5.13 and 5.14 of the Transport Policy Context.)
6. New Lane has been suggested as an alternative route for local traffic. This road is very narrow with very few passing places. It would benefit from additional passing places.
7. Access to the site should be strictly monitored so that lorries do not take a 'short cut' from Ilminster through Cricket Malherbie. This is a very narrow road with some very sharp blind bends. Signage "no road access to site", or similar, should be erected to prevent site vehicles taking this route.'

The Parish Council provided the following response to the April 2020 reconsultation:

'The Parish Council's previous comments which you have on record remain the councillors' current feelings. The Parish Council would also like to say that the traffic movements need to be carefully controlled and all site traffic must enter AND leave the site via the A30 and not go through Cricket Malerbie for any reason. Failure to abide by this could cause problems along Redscript Road and at the top of Knapps Lane at the entrance to the site.'

#### 7.4 **Environment Agency**

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from the Environment Agency.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

#### Internal Consultees

#### 7.5 **Highways Development Management**

No Objection.

The Highway Authority has recently been in discussion with the developer over the content of the Construction Environmental Management Plan and is now content

that the works to improve the highway during the construction phase are acceptable.

This Authority raises no objections to the proposal as submitted subject to any permission granted being subject to the following conditions;

Prior to the importation of any materials the following shall be undertaken entirely at the applicant's expense:

- 1) a scheme to construct the passing place as detailed in the approved CEMP shall be submitted in writing to the Local Planning Authority for written approval; and
- 2) the passing bay and any signage and lining associated with the improvements shall be constructed in their entirety.

These works shall remain in use and unobstructed for the duration of the development.

NOTE: All works which affect the highway must be undertaken in agreement with the Highway Authority.

#### **7.6 Acoustics Advisor**

It is noted that the applicant has submitted a Construction Environmental Management Plan (CEMP) dated 21/4/20 and that sections 3.1 and 3.2 detail its approach to noise control. The actions detailed in 3.2 of the CEMP are in broad agreement with the recommendations previously made concerning reverse warning alarms and plant maintenance and would be adequate for the limited impacts expected. Section 4 of the CEMP implies that it will be SCC that will be the contact point for any complaint and will then be responsible for informing the contractor who will action measures to address the complaint; while I would expect SCC to be advised of any complaints, I would expect the CEMP to assign initial responsibilities for logging and addressing complaints proactively as part of the development proposal. In this respect it is suggested that the responsible person and contact number could be identified and displayed at the site entrance.

It would be adequate to specify a condition that requires the permitted development to adopt all noise control measures recommended in section 3.2 of the applicant's CEMP dated 21/4/20.

#### **7.7 County Ecologist**

Following an ecological walkover survey carried out by Somerset County Council's assistant ecologist on 27 April 2020 the following conclusions were made:

'There was evidence of badger activity in the form of runs, latrines and the corpse of a badger. Badgers are likely to use the site to forage and commute. No evidence of badger setts was found on site however a disused sett was identified within the Engain Ecology Cricket St Thomas Golf Course, Chard, Somerset: Ecological Appraisal (2016) to the south of the survey site.

Common birds were recorded using the site including great tit (*Parus major*), pheasant (*Phasianus colchicus*), wood pigeon (*Columba palumbus*), chiff chaff (*Phylloscopus collybita*) and wren (*Troglodytes troglodyte*).

The hedgerows, mature trees and scrub on site are likely to provide suitable habitat for nesting birds.

Mature trees within the hedgerows had suitable features for roosting bats. The habitats on site such as hedgerows, scrub and tall ruderal are likely to provide foraging opportunities for bats. The boundary hedgerows are likely to be used by commuting bats.

Though the majority of the grassland on site was amenity grassland there are areas of semi improved grassland and tall ruderal at the centre and boundaries of the site which may provide habitat for various invertebrates as well as supporting foraging for bats.

The hedgerows at the site boundaries are very likely to support dormice as they have an abundance of food sources in the form of hazel, hawthorn, blackthorn and bramble. The isolated 100m stretch of hedgerow which bisects the site has suitable woody species to support dormice, however, it is 40m distant from the boundary hedgerow at its closest point. This does not preclude dormouse presence within the hedgerow but it does make presence less likely.

The boundary hedgerows, rough grassland and areas of scrub on site have the potential to support common reptiles such as grass snake and slow worm. No reptiles were recorded in the previous survey in 2016 however anecdotal evidence from golfers using the site supports the presence of slow worms.

Recommendation:

Further ecological consultation should be sought if the scope of the proposed work changes significantly or if the onset of the work is delayed by more than 12 months from the date of this survey.

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, no objections are raised provided the following conditions are applied:

#### Hazel Dormice

The proposed hedgerow removal works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence, including a method statement detailing proposed central hedgerow removal techniques and Ecological Clerk of Works details.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

#### Construction Environmental Management Plan



No proposed access works and associated development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of “biodiversity protection zones”;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required;
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
- h. Use of protective fences, exclusion barriers and warning signs; and
- i. [Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works].

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

#### Mitigation Compliance

A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the

CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

#### Lighting

No lighting is proposed, however if lighting is to be used during the construction phase a suitably worded condition will be required, therefore please let me know and I provide further consultation regarding this matter.

#### Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

#### Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a. Wildflower grassland, native trees and pond and wetland with native marginal planting as identified within the site landscape plans;
- b. New trees to include high nectar producing species to encourage a range of invertebrates to the site, to provide continued foraging for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native;
- c. Creation of at two habitat pile, consisting of logs, brash &/or grass cuttings 1 m<sup>2</sup> within the northwest corner of the site;
- d. Four Beaumaris Woodstone maxi bat box, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
- e. Four 2F Schwegler Bat Box, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
- f. Six standard hazel dormouse nest boxes will be installed into the species rich hedgerow around the boundaries of the site, placed at least 20m apart, and maintained thereafter; and
- g. Four standard bird boxes, purchased or built, will be installed on to a mature tree on site, facing east or north, at a height above 3m, and maintained thereafter.

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.

## 7.8 Lead Local Flood Authority

A flood risk assessment (FRA) has been provided which demonstrates that the proposed site location in accordance with the publicly available Flood Map for Planning is wholly located within a fluvial Flood Zone 1 and is also identified as low risk from surface water flooding on the Long-Term Flood Risk Surface Water Flood Map.

The FRA identifies that the proposals will not increase impermeable area or alter existing flow routes. Given this, an additional pond is proposed at the low point of the site to attenuate flows and discharge at a reduced rate into the existing ditch parallel to the site.

The proposed pond is to store a volume of 331m<sup>3</sup> and will discharge at 5l/s into the existing ditch, a section of the existing ditch will be redirected through the pond. Should this overflow – exceedance appears to be directed into the ditch north of the site. Where there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Consequently, the LLFA has no objection to the proposed planning application as submitted.

## 7.9 Minerals & Waste Policy

*The following response was sent to South Somerset District Council when the application was originally submitted to them in error.*

As the Waste Planning Authority for Somerset, we note from the application and supporting documents that the proposed remodelling development of the golf course will require the importation of suitable materials including topsoil and subsoil. The transport statement in particular discusses the calculated volume of fill material required as 71,969m<sup>3</sup> which is estimated to weigh around 143,938 tonnes (paragraph 5.2).

In addition, the transport statement states that the supply volume and location of suitable material is not known at this stage and therefore it is likely there would not be a constant supply (paragraph 5.4). In the absence of a confirmed source of suitable material, we consider that the infill material may or may not be a waste. If waste materials are to be sourced as infill material for the development, we trust that the appropriate policies within the Waste Core Strategy (adopted February 2013) are given due consideration as relevant planning policy in the context of the Local Development Plan.

In particular policies WCS2: recycling and reuse (the third section discusses recycling and reuse of inert material) and WCS4: disposal (the second paragraph discusses inert landfill development) should be considered.

If waste materials are to be used as source materials for the remodelling work, the relevant permits and exemptions should be sought from the Environment Agency.

As you may be aware, Somerset County Council have commenced a review of the Waste Core Strategy and have begun to prepare a series of topic papers to update our evidence base. Whilst this is an ongoing piece of work, the recently published Waste Topic Paper B may be of interest as this provides further information on the management of inert waste in Somerset. Details can be found on the new Somerset Waste Plan section of our website.

#### **7.10 Somerset County Council Public Rights of Way**

Any proposed works must not encroach onto the width of the PROW.

The following text must be included as an informative note on any permission granted:

‘Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.’

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- a PROW being made less convenient for continued public use;
- new furniture being needed along a PROW;
- installing any apparatus within or across the PROW.;
- changes to the surface of a PROW being needed; and
- changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

#### 7.11 **South West Heritage Trust**

The following response was received during the 2017 consultation exercise:

Based on this information the application site is not close to any designated buildings or structures and does not affect the setting of the historic built environment.

The site is adjacent to Park Wood, formerly Chaffcombe Park (PRN 53152) created in C15 and in 1765 stocked with cattle but at least since the late C19 a wood.

##### Other organisations

[The following representations have been summarised, but the full responses can be viewed through the following link:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=17%2F02084%2FCPO>]

#### 7.12 **Somerset Wildlife Trust**

The following response was received during the 2017 consultation exercise:

'We have noted the Application and the Ecological Appraisal dated 25th May 2016 which has been provided by Environmental Gain Ltd. We are particularly concerned about the proximity of the proposed development to the Park Wood Local Wildlife Site which has been mentioned in the Appraisal. There has been a serious run-off problem in this area for a number of years and we are concerned that there doesn't seem to be anything in the Application to address this. We would therefore request that the Authority asks the applicant to show how this problem will be addressed and remedied before any decision is taken on the Application.

We are pleased that Section 6.15 of the Appraisal proposes a number of enhancements and we would fully support those. In particular, we would request that the proposal for the planting of new hedgerow trees should stipulate that they should

be native species in a mixed planting scheme similar to those in other sections of the hedge, some of which have been removed in the past.'

#### 7.13 **Park Wood County Wildlife Site and Private Nature Reserve**

A detailed response was received during the 2017 consultation exercise with the key points being:

- (a) significant adverse impact on the integrity and character of Park Wood Ancient Woodland, County/ Local Wildlife Site (& Private Nature Reserve) which could lead to deterioration of habitat and associated species. A priority habitat deserves conservation and some protection. Ancient woodland cannot be created;
- (b) water quality could be compromised: groundwater and surface water need to be considered; there is impact on the volumes, direction and rates of flow as well as nutrient/chemical levels. Knapps Cottage get water from a borehole. Surface water leads to the River Isle;
- (c) adverse impact by way of noise, visual intrusion and traffic to adjoining land users and those in close proximity to the site;
- (d) significant adverse impact on Public Right of Way (Knapps Lane/Redscript Lane); and
- (e) we consider there to be serious threats to the area and its wildlife and possibly unforeseen consequences. We trust there will be full consideration of the points raised herein and that strict conditions will be agreed before any progress is made on this proposed development.

#### 7.14 **Campaign to Protect Rural England**

In our view the application should be refused for the following reasons:

- (a) we consider that, in this quiet rural location, a waste recovery site on this large scale does not reinforce local distinctiveness and respect local context, and is therefore in conflict with SSDC LP EQ2;
- (b) the site does not conform to the 'locational principles' for waste development sites in SCC's Waste Core strategy, nor in the Landfill Directive;
- (c) the use of 8 wheeled lorries plying back and forth in the long narrow rural lane with limited passing place 16 times a day for up to two years would have a detrimental impact on the character and amenity of the area and would compromise the safety and/or function of the local road network, and is therefore in conflict with SSDC Policy TA5: Transport Impact;
- (d) the adjacent designated ancient woodland (Park Wood) is at risk from leachate migration or contamination and/or run-off from the construction and demolition landfill waste and these risks have not been properly assessed within the woodland itself; and
- (e) the exit of the lane onto the A30 is a dangerous one and not suitable for regular use by 8 wheeled lorries over a two-year period.

- 7.15 During the first consultation exercise in 2017 23 representations were received from members of the public and amenity groups of which 21 were letters of objection and two were letters of support.
- 7.16 During the second consultation exercise in 2020 63 representations were received from members of the public and amenity groups of which 39 were letters of objection and 25 were letters of support.

The main grounds for objection from both consultations are summarised below:

- Impacts on the living conditions/ amenity of local residents and wider community:
  - a) Noise, dust and odour impacts;
  - b) Duration of operations/ potential for operations to be indefinite;
  - c) CEMP/ measures designed to reduce impacts of operation not sufficient;
  - d) Concerns with regards to content of waste;
  - e) Impacts outweigh benefits;
  - f) Doubt over the practicalities of monitoring and enforcement; and
  - g) Impacts on public rights of way.
- Impacts on the local road network:
  - a) Disruption caused;
  - b) Traffic pollution;
  - c) Congestion;
  - d) Impact on A30 traffic;
  - e) Unsuitability of Redscript Lane as a haul route/excessive vehicle movements for the road system serving the site;
  - f) Danger to all road users/ safety concerns for users of Redscript Lane and Knapps Lane;
  - g) Impacts on Chaffcombe Village, Cricket Malherbie;
  - h) Fears of HGV's using unsuitable lanes to access the site;
  - i) Control of HGV routing insufficient;
- Ecological/ biodiversity impacts
  - a) Impacts on dormice, Greater Crested Newts, badgers and bats;
  - b) Impact on trees/ root protection along verges of Redscript Lane;
  - c) Impacts on habitats in and around the site;
- Impacts on local landscape
  - a) Scale of proposal is not in keeping with the rural nature of the site;
- Impacts on flooding and groundwater

- Questioning the need for proposal/ inappropriate location
- Proposal is against policy:
  - a) Proximity principle of Waste Framework Directive
  - b) Policy WCS2: Recycling and reuse
  - c) Policy DM1: Basic location principles
  - d) Policy DM1 of the Somerset Waste Core Strategy gives a list of ‘basic location principles’;
  - e) SSDC LP EQ2;
  - f) SSDC Policy TA5: Transport Impact

7.15 Of the 20 letters in support of the proposal the main grounds for this support were as follows:

- investment in the local area;
- social and economic benefits of outweigh the relatively short-term nature of the proposal;
- help to secure employment; and
- enhance wildlife and the views of the surrounding area.

## **8. Comments of the Strategic Commissioning Manager – Economy & Planning**

8.1 The key issues for Members to consider are:

- planning policy considerations;
- impacts on the amenity of local residents and the local community;
- impacts on the local highway;
- impacts on biodiversity and ecology;
- impacts on flood risk/ groundwater and
- impacts on the local landscape.

### **The Development Plan**

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

- Somerset Waste Core Strategy (adopted February 2013)
- South Somerset Local Plan (adopted March 2015)

### **Material Considerations**

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



- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance

## **Waste Policy Considerations**

### Spatial Strategy

8.4 As a one-off operation, despite the size of the operation to import approximately 130,000 tonnes of inert waste material, the site is not considered to be strategic in its function and should therefore be considered against Waste Core Strategy Policy DM1 (basic location principles).

8.5 Policy DM1 states that:

*‘planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.’*

The policy also sets out a number of types of sites where waste management development would normally be located, but this proposal does not fall within any of these; instead it would be described as ‘unallocated greenfield land’ where development *‘will be strictly controlled and limited in accordance with the Development Plan’*.

8.6 Being accessed off the A30 and located between Chard and Crewkerne, it is considered that the site is well connected to the strategic highway network as required by Policy DM1. While the site is unallocated greenfield land, the applicant has provided a justification for the development in terms of improving the use of this part of the existing golf course and enhancing its ecology.

### Waste Hierarchy

8.7 The waste hierarchy is a fundamental principle of waste policy that sequentially favours reuse, recycling and recovery of waste above disposal and is enshrined in the vision of the Somerset Waste Core Strategy and reflected in its policies. For inert wastes such as subsoil, a judgment needs to be made as to whether their use constitutes ‘recovery’ or ‘disposal’, with relevant criteria including the substitutability of the waste by non-waste materials, the degree of beneficial use of the waste materials and whether the volume of waste being used is limited to that necessary for the proposed operation.

8.8 Policy WCS2 (recycling and reuse) of the Somerset Waste Core Strategy states that:

*‘...inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses...:’*

- a) the restoration of quarries and other excavation sites (excluding peat sites);*
- b) other uses with clear benefits to the local community and environment; or*
- c) other facilities that will facilitate such positive use.*

- 8.9 The applicant has highlighted the need for the development in order to remodel a section of the course where a number of depressions and steeply sloping areas have been identified as impacting upon playability and the ease, safety and cost effectiveness of course management. While those improvements will primarily benefit users of the golf course rather than the wider community, the proposals will achieve environmental benefits through the replacement of amenity grassland with more diverse habitats and the provision of a surface water attenuation pond to reduce the rate of run-off from the site (an issue highlighted in objections received from the public). It is considered that these environmental and community benefits of the development fall within the scope of criteria b) and c) of Policy WCS2 as a waste recovery operation.
- 8.10 While Policy WCS2 does not explicitly require that the amount of waste is minimised (although see account of Policy WCS4 below), the applicant has revised the original proposal to reduce the volume of waste from 72,000m<sup>3</sup> to just under 65,000m<sup>3</sup> in order to achieve the stated purpose of improving the golf course topography using the minimum amount of waste.
- 8.11 The application does not explicitly address the issue of whether the proposed operation could be carried out using non-waste materials but, given the considerations above, it is reasonable to conclude that the development amounts to a waste recovery operation. However, were the proposal to be regarded as a disposal operation, then it would fall under the scope of Policy WCS4 (disposal), which supports proposals for inert landfill subject to the applicant demonstrating that the proposal:
- c) *is restoration-led, enabling an area of land to be used more effectively or for another purpose; for example, for agriculture, nature conservation or built development; or*
  - d) *provides justified visual or acoustic screening; and*
  - e) *uses the minimum amount of waste to achieve the stated purpose, depositing inert waste only.*
- 8.12 As indicated in 8.9 and 8.10, the proposal seeks to enable this part of the golf course to be used more effectively and would utilise the minimum amount of waste, and it is considered that the proposal would, if considered to be a disposal operation, accord with Policy WCS4.

### **Amenity Impacts**

- 8.13 Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy states that:

*'Planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate:*

*a) significant adverse impacts from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;*

*b) significant adverse impacts on a public right of way or visual amenity; and*

*c) unacceptable cumulative impacts.'*

- 8.14 Representations received from members of the local community highlight concerns with regards to the impacts of traffic on their amenity from noise, dust and odour of the operations/ development; the duration of operations; the impact on the nearby Public Right of Way; the effectiveness of the submitted Construction Environment Management Plan; the content of the waste; and the practicalities of monitoring operations and enforcing breaches should they occur.
- 8.15 With the exception of three dwellings located approximately 200m to the south west, 350m to the east and 400m to the south, the development site is separated from residential properties at Cudworth, to the north-east, by approximately 650m and Chaffcombe, to the west, and Cricket Malherbie, to the north, by at least 1km, and it is considered that, given the provisions within the Construction Environment Management Plan, the lack of any significant odours produced in the use of inert subsoils and the distance of those properties closest to the application site, including along Redscript Lane, the potential for nuisance to occur is low.
- 8.16 It is considered that the proposal is in accordance with Policy DM3 of the Waste Core Strategy and that the concerns of local residents can be addressed through suitable conditions covering the potential impacts of noise, dust, traffic, waste materials to be imported, impacts on public rights of way and duration of the operations and the requirement for the submission of further details in relation to the provision of an onsite complaints procedure as recommended in Section 9. The applicant has also committed to ensuring that vehicles entering and leaving the site shall be routed along Redscript Lane from the A30, just to the south west of the Golf Course Club house, which again addresses concerns relating to the potential for these vehicles using less suitable lanes in the vicinity, to access the site.
- 8.17 In addition to these conditions, the applicant will also be subject to the requirements of any environmental permit issued by the Environment Agency which will control emissions including noise and dust. The description of the planning application itself confirms that permission is being sought to import inert subsoils only so there is control as to the materials to be imported. As a result, it is not necessary to duplicate these controls any further than has been suggested below.

### **Traffic and Highways Impact**

- 8.18 Policy DM1 (basic location principles) of the Somerset Waste Core Strategy states that:
- ‘Planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.’
- 8.19 In addition, Policy DM6 (Waste Transport) indicates that:
- ‘Planning permission will be granted for waste management development subject to the applicant demonstrating that:*
- a) the proposed development will not have a detrimental impact on Somerset’s local and strategic transport networks; or adequate and deliverable measures to mitigate such an impact are integrated within the proposal. A Transport Assessment and Travel Plan will be required for development that will generate significant transport movements;*

*b) suitable access to the development is deliverable; and*

*c) alternatives to road transport for waste have been adequately explored and will be pursued if they are demonstrated to be practicable and beneficial.*

*In addition, for proposals located outside the zones in the key diagram, applicants will be required to demonstrate that the proposed development is well connected (via suitable transport routes) to the community or business(es) that the development is intended to serve.'*

- 8.20 The site is approximately 850 metres to the north of the A30, Swan Down, along Redscript Lane which does not exceed 4m in width and leads westwards to Chaffcombe, via Knapps Lane, and northwards to Cricket Malherbie and beyond. Travelling northbound there are 2 larger passing bays on the left-hand side of the lane, approximately 80m from the junction of the A30 and Redscript Lane and what appear to be 2 less formal bays on the right of the lane. The applicant is also proposing an additional left-hand side passing bay some 400m to the north of the A30/ Redscript Lane junction, the details of which will be the subject of a Grampian condition, should this permission be granted. There is one residential access along this lane approximately 375m to the north A30/ Redscript Lane Junction.
- 8.21 A major concern raised by local residents and parish councils is the generation of lorry traffic on local roads that are perceived to be unsuitable.
- 8.22 Information provided by the Transport Statement submitted with the application indicates that, assuming an 18 month timeframe, the average number of lorry movements (one way) that would be generated by the proposal would be 88 movements in a week for the import of waste materials, 16 loads a day during weekdays and 8 on Saturdays. It is also estimated that these movements will result in approximately 2 HGV deliveries per hour which will reduce the possibility of delivery vehicles meeting each other on Redscript Lane. The Transport Statement also predicts that based on Department for Transport figures this increase in traffic would represent an increase in the magnitude of 0.4% of daily A30 traffic which is not considered significant in this context.
- 8.23 The Local Highway Authority has no objections to the proposal. Although the site is outside of the zones in the key diagram referred to in Policy DM6 of the Waste Core Strategy Key Diagram, it is considered that the calculated increase in the magnitude of 0.4% of daily A30 traffic is not considered significant and that the proposed development is well connected via the A30 transport routes to the communities such as Chard or businesses that the development is likely to serve, and the proposal is considered to accord with Policy DM6 of the Waste Core Strategy.
- 8.24 It is also considered that the recommended conditions relating to the proposed passing bay, commitment of the applicant to routing all vehicles associated with the site via the A30, overall control of the total amount of materials to be imported onto site and the requirement for clarification of the site's complaints procedure to be agreed by the Waste Planning Authority help to address the concerns raised.

### **Ecology and Biodiversity Impacts**

- 8.25 The site is located within 2km of 12 Local Wildlife Sites with the closest being Pouletts Wood and Park Wood ancient semi-natural broadleaved woodland

approximately 0.2km to the west of the site, and Higher Wood ancient semi-natural broadleaved woodland approximately 0.3km to the east of the site.

- 8.26 Four standard Phase 1 habitats were also identified within the site boundary being dense/continuous scrub, semi improved grassland, tall ruderal and amenity grassland and hedges with both species rich and species poor trees.
- 8.27 Protected species records identify 26 protected species within a 2km radius of the site, including one amphibian, eight bats, three birds, one plant, ten insects and three mammals.
- 8.28 There is evidence of badger activity in the form of runs, latrines and the corpse of a badger, and badgers are likely to use the site to forage and commute. No evidence of badger setts was found on site, however a disused sett was identified within the applicant's Ecological Appraisal to the south of the survey site.
- 8.29 Common birds were recorded using the site including great tit (*Parus major*), pheasant (*Phasianus colchicus*), wood pigeon (*Columba palumbus*), chiff chaff (*Phylloscopus collybita*) and wren (*Troglodytes troglodytes*).
- 8.30 The hedgerows, mature trees and scrub on site are likely to provide suitable habitat for nesting birds.
- 8.31 Mature trees within the hedgerows had suitable features for roosting bats. The habitats on site such as hedgerows, scrub and tall ruderal are likely to provide foraging opportunities for bats. The boundary hedgerows are likely to be used by commuting bats.
- 8.32 Though the majority of the grassland on site is amenity grassland, there are areas of semi-improved grassland and tall ruderal vegetation at the centre and boundaries of the site which may provide habitat for various invertebrates as well as supporting foraging for bats.
- 8.33 The hedgerows at the site boundaries are very likely to support dormice as they have an abundance of food sources in the form of hazel, hawthorn, blackthorn and bramble. The isolated 100m stretch of hedgerow which bisects the site has suitable woody species to support dormice; however, it is 40m distant from the boundary hedgerow at its closest point. This does not preclude dormouse presence within the hedgerow but it does make presence less likely.
- 8.34 The boundary hedgerows, rough grassland and areas of scrub on site have the potential to support common reptiles such as grass snake and slow worm. No reptiles were recorded in the previous survey in 2016, however anecdotal evidence from golfers using the site supports the presence of slow worms.
- 8.35 Overall it is considered that the ecological value of the application site and likelihood of the proposal causing significant harm is low. It is also considered that the requirement for the applicant to submit a Construction Environment Management Plan: Biodiversity, Landscape Environment Management Plan (LEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) further ensure any impacts on ecology/ biodiversity are mitigated against and in where appropriate enhanced.
- 8.36 Should the application be approved, the inclusion of and compliance with conditions relating to the avoidance of external lighting, the requirements for vegetation removal and the submission of a 'Biodiversity Construction Environment Management Plan',

amongst other things, will avoid potential ecological impacts. It is therefore considered that this proposal will not have a significant adverse impact on the integrity, character and/or setting of site and features of local and regional importance as referred to in Policy DM3 of the Somerset Waste Core Strategy.

- 8.37 It is also proposed that a Grampian condition is included with this permission ensuring details of works required to create and restore the proposed passing bay, as proposed in the Construction Environment Management Plan, are submitted for the approval to the Waste Planning Authority to reduce impacts on biodiversity including habitats and protected species.

#### **Flood Risk/Surface Water**

- 8.38 Policy DM7 (water resources) of the Somerset Waste Core Strategy states that:

*'Planning permission for waste management development will be granted subject to the applicant demonstrating that:*

*a) adequate provision has been made to protect ground, surface and coastal water quality; and*

*b) the proposed development will not have an unacceptable impact on the volumes, direction and rates of flow of ground and surface water; and*

*c) the proposed development will not exacerbate flood risk. Flood Risk Assessments will be required for waste management development in areas at risk of flood.'*

- 8.39 The submitted Flood Risk Assessment demonstrates that the proposed site location in accordance with the publicly available Flood Map for Planning is wholly located within a fluvial Flood Zone 1 and is also identified as low risk from surface water flooding on the Long-Term Flood Risk Surface Water Flood Map. In addition, it also seems reasonable to conclude that the proposed regrading works and installation of a pond in the north western corner of the application site will result in both reduced run-off rates as well as helping to further attenuate flows and discharge into the existing ditch parallel to the site.

- 8.40 It is therefore concluded that the application site is unlikely to be impacted on by flooding and the proposal is not expected to significantly increase the risk of flooding elsewhere in the area. In addition to this it is considered that the concerns raised with regards to the implications for run-off from the application site, instead of being exacerbated by the proposal, will remain unchanged and likely to be improved through the addition of an attenuation pond to capture and control the overland flow from the site.

#### **Landscape and Visual Impact**

- 8.41 A 1993 document produced by South Somerset District Council and titled 'The Landscape of South Somerset' describes the area in which the application site and wider golf course is located as the Windwhistle Ridge, Footslopes and Valleys and adds that:

*'This is a block of upland lying between Chard and Crewkerne north of the River Axe forming escarpments, gentle slopes and picturesque coombes, particularly at Cricket St Thomas and west of Crewkerne.'*

- 8.42 Policy DM3 (impacts on the environment and local communities) refers to ‘...waste management development that would have a significant adverse impact on the integrity, character and/or setting of the following sites and features of local and regional importance.’
- 8.43 The village of Chaffcombe is situated to the west of the application site on a west facing slope approximately 80m below the level of proposed works with Poulett’s Wood and Park Wood Local Wildlife Sites situated between the two.
- 8.44 Overall it is considered that the proposal will not have a significant adverse impact on the integrity, character and/or setting of sites and features of local and regional importance as referred to in Policy DM3 of the Somerset Waste Core Strategy. The impact on the local landscape from places such as Chaffcombe, Cricket Malherbie and Cudworth will be minimal and, whilst there may be some disruption to longer views from the west of the site, this is not likely to be significant and will be temporary. In addition, the requirement by condition for Biodiversity Enhancement (Net Gain) will provide longer term betterment to the local and wider landscape.

### **Concluding Comments**

- 8.45 Whilst a number objections have been received from local residents on the grounds of impacts on amenity, the local highway, biodiversity and ecology, flood risk, run-off and groundwater, and the local landscape, it is considered that the implementation of planning controls will limit the likelihood of any significant adverse effects that may be generated by the operations, and that the proposal accords with the relevant policies of the Somerset Waste Core Strategy.

## **9. Recommendation**

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

1. The development shall commence within three years of the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within fourteen days of commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the Waste Planning Authority to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered or titled as follows, unless as varied by the conditions below:

- Location Plan CST\_001\_A3;
- Topographical Survey WGC/151115 Survey 6 Rev A;
- Landscape Masterplan CST\_003\_AO\_Rev\_D;
- Flood Risk Assessment Reference Hydrock C-04851-C (January 2017);
- Planning Statement (2017);
- Design and Access Statement CST\_002\_Rev\_E;

- Transport Statement April 2017;
- Ecological Appraisal Report; and
- Construction Environment Management Plan 21/04/2020.

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

**Prior to Importation of Waste: Passing Bays**

3. No waste materials shall be imported to the application site until the passing bay and associated signage and lining as detailed in the approved CEMP have been constructed in accordance with details that shall first have been submitted to and approved in writing by the Waste Planning Authority.

These works shall remain in use and unobstructed for the duration of the development.

Within three months of the completion of the development the applicant shall remove all those works associated with the proposed passing bay and the highway verge shall be reinstated to its original condition to the satisfaction of the Waste Planning Authority in accordance with the details required by Condition 4.

Reason: To ensure the highway network is suitably prepared for the development.

**NOTE:** All works which affect the highway must be undertaken in agreement with the Highway Authority.

**Prior to Importation of Waste: Protection of Vegetation at Passing Bays**

4. Prior to the commencement of construction of the passing bay required by Condition 3, practical measures (both physical measures and sensitive working practices) shall be submitted to and approved in writing to the Waste Planning Authority to avoid or reduce impacts during construction of the passing bay as proposed in the approved CEMP. These measures may be provided as a set of method statements and should address impacts to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required. These measures shall also include the method of reinstatement of the verges following removal of the passing bay.

The approved protective measures shall be implemented prior to commencement of, and during, construction of the passing bay.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

5. The development shall be limited to the importation of 64,760m<sup>3</sup> of inert subsoils.



Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy and in accordance with the description of the proposal

6. The applicant shall notify the Waste Planning Authority when the following trigger points have been met:
  - a) upon commencement of the importation of inert subsoils;
  - b) upon 30,000m<sup>3</sup> tonnes of inert subsoil having been imported onto the application site;
  - c) upon 60,000m<sup>3</sup> tonnes of inert subsoil having been imported onto the application site; and
  - d) upon 64,760m<sup>3</sup> tonnes of inert subsoil having been imported onto the application site and works being completed.

Reason: To enable the Waste Planning Authority to adequately monitor the development.

### **Hours of Operation**

7. Operations associated with the development hereby permitted shall not take place other than during the following hours:

Mondays to Fridays: 0800 to 1800

Saturdays: 0800 to 1400

No operations shall take place on Sundays or Bank/ Public Holidays.

Reason: To minimise the potential for noise nuisance on the surrounding area and residential amenities in accordance with Policy DM3 of the Somerset Waste Core Strategy.

### **Noise**

6. In accordance with Section 3, Paragraph 3.2 of the Construction Environment Management Plan the following mitigation measures shall be implemented for the management and control of noise:
  - all plant and machinery will be regularly maintained to control noise emissions, with particular emphasis on lubrication of bearings and the integrity of silencers;
  - site staff will be required to avoid all unnecessary noise such as shouting and listening to broadcast radio when working near noise sensitive receptors;
  - all site plant will operate with white noise reversing alarms; and
  - engines will be turned off when plant is not in use.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

## **Dust**

7. In accordance with Section 3, Paragraph 3.4 of the Construction Environment Management Plan the following mitigation measures shall be implemented for the management and control of noise:
  - seeding of final ground levels as soon as possible to prevent windblown dust;
  - compaction, grading and maintenance of haul roads;
  - controlling vehicle speeds on site; and
  - all loaded haulage vehicles leaving or arriving at the site shall be sheeted.

Should dust emissions/generation become a significant issue and dust visibly passing beyond the site boundaries, working shall be ceased until appropriate working conditions can be established.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

## **Complaints Procedure**

8. In accordance with paragraphs 4.1-4.3 of the approved Construction Environment Management Plan, within one month of the date of this permission a scheme detailing the procedures for the management of complaints shall be submitted to and approved in writing by the Waste Planning Authority. This scheme shall include details, to be displayed at the site entrance at all times, of a responsible contact at the site to whom complaints can be sent. It shall also include how complaints will be logged and addressed by the operator. Details of all complaints shall be made available to the Waste Planning Authority within two working days of requesting them.

The approved scheme shall be implemented and complied with for the duration of the operations hereby permitted.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

## **Lighting**

9. No external lighting shall be installed at the application site without the prior written consent of the Waste Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species.

## **Hazel Dormice**

10. The proposed hedgerow removal works shall not commence unless the Waste Planning Authority has been provided with either:
  - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence, including a method statement detailing proposed central hedgerow removal techniques and Ecological Clerk of Works details. Any subsequent removal of a hedgerow shall be undertaken in accordance with this method statement.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

**CEMP: Biodiversity**

- 11. No proposed access works and associated development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) risk assessment of potentially damaging construction activities;
  - b) identification of “biodiversity protection zones”;
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required;
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;
  - e) the times during construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons, lines of communication and written notifications of operations to the Waste Planning Authority;
  - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
  - h) use of protective fences, exclusion barriers and warning signs;
  - i) confirmation that no lighting is proposed at any time during all works associated with the proposal; and
  - j) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

### **Mitigation Compliance**

12. A report prepared by the Ecological Clerk of Works or similarly competent person (a) certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, (b) detailing the results of site supervision, any necessary remedial works undertaken or required and (c) a timetable for any works shall be submitted to the Waste Planning Authority for approval prior to holes 8, 9 and 10 being opened for use or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall be implemented in accordance with the approved timetable of works and be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

**NOTE: Should the scope of the proposed works change or commencement of works be delayed by more than 12 months from the date of this decision, further ecological consultation should be sought.**

### **Landscape and Ecological Management Plan**

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Waste Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

### **Biodiversity Enhancement (Net Gain)**

14. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Waste Planning Authority prior to commencement of the importation of waste materials. Photographs of the installed features will also be submitted to the Waste Planning Authority within two months of completion of the importation of waste materials and remodelling of the land. The content of the BMEP shall include the following:
  - a) wildflower grassland, native trees and pond and wetland with native marginal planting as identified within the site landscape plans;
  - b) new trees to include high nectar producing species to encourage a range of invertebrates to the site, to provide continued foraging for bats (the Royal Horticultural Society guide, "RHS Perfect for Pollinators, [www.rhs.org.uk/perfectforpollinators](http://www.rhs.org.uk/perfectforpollinators)" provides a list of suitable plants both native and non-native);
  - c) creation of at least two habitat piles, consisting of logs, brash and/or grass cuttings 1m<sup>2</sup>, within the northwest corner of the site;
  - d) four Beaumaris Woodstone maxi bat boxes, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
  - e) four 2F Schwegler Bat Boxes, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
  - f) six standard hazel dormouse nest boxes will be installed into the species rich hedgerow around the boundaries of the site, placed at least 20m apart, and maintained thereafter;
  - g) four standard bird boxes, purchased or built, will be installed on to a mature tree on site, facing east or north, at a height above 3m, and maintained thereafter.

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

### **Public Rights of Way**

**Advisory Note:** Should the development affect a right of way no development shall take place and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

## **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 the following documents.

### *Somerset Waste Core Strategy (Adopted 2013)*

The policies in the Waste Core Strategy particularly relevant to the proposed development are:

- WCS2: Recycling and reuse
- WCS4: Disposal
- WCS5: Location of strategic waste sites
- DM1: Basic location principles
- DM2: Sustainable construction and design
- DM3: Impacts on the environment and local communities
- DM4: Site restoration and aftercare
- DM6: Waste transport
- DM7: Water resources

### *South Somerset Local Plan 2006-2028 (Adopted 2015)*

The policies in the Local Plan particularly relevant to the proposed development are:

- TA5: Transport impact of new development
- EQ1: Addressing climate change in South Somerset
- EQ4 Biodiversity
- EQ7: Pollution control

10.3 The Waste Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance.

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

In dealing with this planning application the Waste 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, Waste Core Strategy 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 Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.