

Somerset County Council
Regulation Committee –
Report by Helen Vittery
Service Manager – Planning & Development

Application Number: 2018/2611/CNT
Date Registered: 22 October 2018
Parish: Lullington
District: Mendip
Member Division: Frome North
Local Member: Councillor Linda Oliver
Case Officer: Hayley Stokes
Contact Details: hayley.stokes@devon.gov.uk (01392 383000)
Description of Application: Importation of inert material to level land used for the golf driving range at Orchardleigh Golf Club
Grid Reference: Easting - 378189, Northing - 151332
Applicant: Orchardleigh Golf Club Limited
Location: Orchardleigh Golf Club, Orchardleigh Estate, Road from A362 to Lullington Lane, Orchardleigh, Buckland Dinham, Frome, BA11 2PH

1. Summary of Key Issues and Recommendation

- 1.1 The application seeks the importation of 75,000m³, or approximately 125,000 tonnes, of inert subsoil to level and extend a driving range at Orchardleigh Golf Club. The main issues for Members to consider are:
- waste planning policy considerations;
 - impacts on the historic environment;
 - impacts from noise, mud and dust;
 - impacts on biodiversity;
 - local highway impacts;
 - flood risk and drainage; and
 - pollution.
- 1.2 It is recommended that planning permission be REFUSED for the reasons set out in section 8 of this report.

2. Background/Description of the Site

- 2.1 The site is located within the Orchardleigh House Estate and Golf Club, approximately 2km north of Frome. Situated between the villages of Lullington and Buckland Dinham, the estate comprises Orchardleigh House, an 18 hole golf course with driving range, and gardens and landscaped grounds. The estate, including the golf course and driving range, is designated as a Grade II* Registered Park and Garden, with the house being a Grade II* Listed Building.
- 2.2 Lullington and Orchardleigh Conservation Area covers the same area as the Registered Park and Garden but also includes the village of Lullington to the north east. The site is located approximately 3.5 km north-east of Mells Valley Special Area of Conservation and is located within the Mendip Bat Consultation Zone. The site is within, and forms part of Orchardleigh Park Local Wildlife Site.
- 2.3 The application site defined for the proposed landraising operation is the golf driving range, a landscaped setting within the main house's parkland. The golf club fairways bound the site to the north and east, with the club house to the west. Longclose Plantation is an original C19 ornamental plantation and encloses the proposed site on its south side, with trees linking to this on its east. This feature provides an extension to the pleasure grounds and framing/revealing views to and from the house along the drive. It includes an agricultural type building and a residential property called 'Temple Lodge' (a Grade II Listed Building). Electricity lines cut across one corner of the site.
- 2.4 There is no history of waste disposal at this site or within the estate, although a small quarry (Longclose Quarry) was developed just south of the driving range, and this is likely to have provided building stone for Orchardleigh House during the 19th century.
- 2.5 The access to the golf club and driving range is a 1.5 mile driveway that passes Grade II listed lodges and meanders through the parkland from the A362 to the west, and continues toward the village Lullington to the east. At the golf club, the heavy goods vehicles would turn into and travel through the existing car park, then along a short stretch of track, through some trees to the driving range.

3. The Proposal

- 3.1 The application proposes to level and extend the driving range to the east of the golf clubhouse, an area of approximately 2.6 hectares, to improve golf ball visibility for those using the driving range. Ground levels currently fall by 6m, and the intention is to create a new level surface across the entire driving range using imported waste materials. The cross sections indicate two options for the edges of the new 6m high bank created at the eastern end: either a steeper slope, strengthened using root stabilising soils, or a more gradual slope if the steeper option is not feasible. The plans indicate that the banks would extend to the edge of the woodland in their current form, except for the area to the north, where the bank is set back to avoid three isolated oak trees. A bund is proposed on the northern side, which would be around 3m high.
- 3.2 This proposal would require 75,000 cubic metres (or approximately 125,000 tonnes) of inert waste material, with the application stating that imported materials will be clean soils and subsoils. The application does not indicate where these materials would be sourced from, but it states that the importation process would take 20 weeks.
- 3.3 The application states that this volume of materials would require an average of 65 loads of soil a day, which would amount to 130 vehicle movements, but could be up to 90 loads per day (180 movements). The proposed hours for delivery and operations would be 7.30am to 5.30pm Mondays to Fridays and 7.30am to 12.30pm on Saturdays.
- 3.4 In support of the proposal, the applicant highlights the following points:
- the ground of the driving range is uneven and falls away to the east, with this undulation preventing golfers from observing where balls land and resulting in the facility being underutilised;
 - the projects seeks 'engineering material' by sourcing inert soil to provide a responsible and environmental initiative to achieve waste prevention;
 - large bulk material inputs will be sought from as few locations as possible to support better continuity of material and minimise contaminated loads arriving on site;
 - the current overland high voltage power cable running north west from the clubhouse will be converted to an underground supply; and
 - revenue from the project will contribute to the redevelopment of the driving range and associated course infrastructure, together with essential funds to maintain the Estate's heritage.

4. The Application

- 4.1 Plans and documents submitted with the application:
- Application form and fee
 - Site Location Plan 200-01
 - Block Plan 200-02

- Topographical Survey 001
- Proposed Fill 001 (January 2018)
- Cross Section 001 (September 2019)
- Planning Statement (Acorus, August 2019)
- Ecological Appraisal (Richard Green Ecology, July 2018)
- Heritage Appraisal (SLR, June 2017)

5. Environmental Impact Assessment (EIA)

5.1 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.

5.2 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 as an installation for the disposal of waste, it is the opinion of the Waste Planning Authority that the environmental impact of the disposal of 75,000m³ of inert waste over a period of 20 weeks 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 driving range.

6. Consultation Responses Received

External Consultees

6.1 Mendip District Council

No objection subject to the Waste Planning Authority being satisfied that the proposals would not have an adverse impact upon flood risk, local ecology, the landscape, contaminated land, environmental protection and the amenity of local residents.

Environmental Health comments: notwithstanding section 4.3.13 and 9.2 of the Planning Statement, a Construction Environmental Management Plan should be required by condition to ensure that all issues relating to traffic management, dust and noise, and hours etc. are monitored, the site manager keeps records of all activities and any mitigation measures are kept under review. It is anticipated that material transfer notes will identify the nature of the imported soils and confirm from a site where there is no suspected issue of potential contamination. It is recommended that SCC ensure that a mechanism is in place for testing of imported soils or other means of establishing that the soil has unlikelihood of containing elevated levels of contaminants from the donor sites, prior to any blending operations.

6.2 Natural England

No objection, as it is considered that the proposed development will not have significant adverse impacts on statutorily protected sites. This is accompanied by generic advice which seeks that landscapes are protected and enhanced, that the

local authority considers the conservation and enhancement of biodiversity (including protected species) and associated net gain; as well as opportunities for promoting access to the natural environment.

6.3 Historic England

Raise concerns regarding the application on heritage grounds and seek a less harmful solution.

Orchardleigh is a Grade II* registered park and garden (RPG). It comprises of a 19th century formal gardens and pleasure grounds set within a landscaped deer park dating from the medieval period. The Grade II listed Orchardleigh House located on the centre of the park, overlooking the lake, was built between 1855 and 1858 by T H Wyatt. There are two principal drives to the house, one from Murtry Lodge to the south west (now the main public access) and one from Gloucester Lodge to the north east. The drive from Gloucester Lodge sweeps south into the park, taking in views of the lake and revealing the house as it turns west.

The application site is located to the north of this westward sweep, screened by Longclose Plantation. The ornamental plantation is an original C19 feature providing both an extension to the pleasure grounds and framing/ revealing views to and from the house along the drive. Temple Plantation provides the frame south of the drive. The application site is located north of Longclose Plantation and, prior to the golf course development, comprised open parkland and site of a small quarry.

Impacts of the current application: The proposals relate to the addition of 75,000 cubic metres of soil to create a flat driving range. The range at present has a 6m difference, which creates issues with its current use. Historic England provided advice on the 1 November 2018 regarding the impact of the development on the registered park and garden. This included raising concerns about the transition of the new earth into the surrounding parkland. This is through the practical implementation as well as the visual impact. Historic England requested further information to help inform our assessment of the proposals and its impact on the significance of the RPG.

Historic England's main concern remains the proposed gradient through the proposed introduction of earth. Cross sections have shown that the slope created in forming the driving range will be steep, engineered 1:1 slope to the east and south and will look unnatural within the parkland landscape. The visual transition of the range with the adjacent parkland will appear abrupt and un-characteristic of the surrounding setting. Its engineered appearance will be visible and will impact views from the drive as the plantation thins out towards the east. Furthermore, re-grading around the existing trees to the north will also appear geometric and unnatural. The supporting cross sections indicated that a more gradual slope could be accommodated but that could only be considered if the soil conditions for the 1:1 slope cannot be achieved.

The plans provided in the application show the embankment appears to be encroaching into root protection areas of trees along the perimeter of Longclose Plantation and may impact their long-term health. Protection of these trees appears to have been given less consideration than the trees on the northern edge of the driving range, which are later additions and, unlike the plantation, are not part of the original designed landscape.

Policy and position - In terms of the cross section provided, it has been shown that a less intrusive scheme could be accommodated on the site. Consequently, we would seek amendments to the embankment gradients in order to reduce the visual impact of the development into the registered landscape (Para 190, NPPF). A self-stabilising slope, maximum 1:3 gradient, would be preferable to improve the visual transition between the driving range and the surrounding parkland. As an alternative solution has been identified that would minimise the visual impact, then it cannot be shown that the harm identified is clear and convincingly justified (Para 194, NPPF).

Furthermore, the existing condition of the trees along the perimeter of the plantation needs to be assessed and appropriate tree protection measures included within the application (Para 189, NPPF).

Recommendation - Historic England has concerns regarding the application on heritage grounds. A less harmful solution has been identified within the supporting documentation. Consequently, the Council should seek amendments to the scheme to address the potential impact of the scheme on the grade II* registered park and garden and to ensure that any harm is justified, as required under Para 190 and 194, NPPF.

6.4 **South West Heritage Trust**

Raise an objection due to lack of information, and concerns regarding the threat to the Grade II Murtry Lodges and Gates, from lorry impact and vehicle induced vibration, and the availability of appropriate waste to complete the scheme in the stated timescale.

The driving range is located in the centre-east of the Grade II* Orchardleigh Registered Park & Garden; for the most part a 19th century remodelled parkland with an eventful history of storm damage, ownership change and redevelopment in the late 20th century. The pleasure grounds are focused around the mid 19th century Grade II* Gothic country house that looks down towards a large lake at the bottom the valley. The parkland planting consists of individual trees and woodland clumps, with the northern area of the parkland utilised from 1995 as the setting of the golf course and its facilities.

The character of the parkland in this area is compromised by the surface being peppered by the small mounds and bunkers of the golf course rough, by the loss of some ancient parkland trees and by the planting of young specimen trees between the fairways. However, the golf course only affects a third of the registered parkland, the ground modifications are relatively superficial and could be reversed.

The driving range is enclosed to the east by Longclose Plantation and to the south by a belt of trees that partially covers the former Longclose Quarry and wraps around to the west to the modern club house. The driving range falls west-to-east from 96.6m AOD at the teeing point to circa 90.6m AOD at the far east end. The ground rolls away towards the east making it difficult for golfers to see where balls have landed, and thus the facility is reportedly underutilised.

The proposal is to fill and level the driving range course with approximately 75,000 m³ of inert material to achieve a flat plateau at a level of 96.6m AOD, with a 5 m high bank at the eastern end, and a 2 m high bund along the north side.

The proposals are as submitted for pre-application feedback, for which we and Historic England raised the following concerns and requested further information: -

the height and steep profile of the eastern bank; the scale of the level driving range plateau; information on the profile of the north bund; information on the impact on surviving elements of the parkland planting (the proposed fill would be close to mature oak trees); a heritage impact assessment on the Registered Park & Garden, including the impact on the trees, planting, circulation, views and associated listed structures; sections through the proposed range to understand the changes in level.

A heritage impact appraisal has been submitted. It is useful in scoping the heritage assets potentially affected by the proposal and their level of significance, but the document should be dismissed with regards to its findings for the following reasons: - it refers to the proposed works as restoring the original ground levels of the Longclose Quarry, whereas only a small proportion of the application site overlaps with a small proportion of the former quarry; the assessment considers the impact of views to and from the adjacent heritage assets but does not consider the potential direct impact on the character and appearance of the Grade II* Registered Park & Garden or the designated Conservation Area; the assessment refers to the 2011 English Heritage guide 'Seeing History in the View: A Method for Assessing Heritage Significance Within Views', which is now out of date and only 'presents a method for understanding and assessing heritage significance in views', rather than all the attributes that contribute to its setting; the 2011 methodology is intended for assessing individual and pre-identified views, which the assessment does not follow;

In 2015 Historic England published the first edition of 'The Setting of Heritage Assets'. The second edition of this guide was published in December 2017 and replaced the 2011 'Seeing History in the View' guidance.

Both the 2011 and 2017 guides caution against the use of matrix scoring systems to present a systematic answer. Where a matrix is considered useful to support expert judgement and a narrative argument, the methodology in the Design Manual for Roads and Bridges Volume 11, Section 3, Part 2 Cultural Heritage would be supported.

With regards to the NPPF, paragraph 189 requires an applicant to provide proportionate information for the local planning authority to understand the potential impact of the proposal on the significance of the heritage assets. Paragraphs 193 to 196 requires 'great weight' to be given to the asset's conservation, that any harm to a Grade II* listed building or Grade II* Registered Park & Garden has clear and convincing justification, that 'less than substantial harm' is weighed against public benefit, and 'substantial harm is 'wholly exceptional'.

Based on the information provided, our view is that the proposal would introduce an extensive and intrusive feature in the Grade II* Registered Park & Garden and Conservation Area that would permanently harm their character and appearance, would further harm the setting of the Grade II* Orchardleigh House, potentially damage the existing parkland planting, and compound the current harm to Orchardleigh Park from the establishment of the golf course.

The proposal does not encompass the preapplication advice, the application does not include the requested additional information, the heritage impact appraisal does not cover the potential impact on the significance of the Grade II* Orchardleigh Registered Park & Garden and Conservation Area or the setting of the Grade II* Orchardleigh House, and the design of the new landforms do not respond to the landform and planting of the surviving parkland.

We therefore recommend the refusal of this application. Our pre-application advice did indicate that there was scope to improve the driving range to overcome the specific issue of obscured golf balls in the landing area, but any the modifications should be guided by the following: a soft eastern bank profile; a softened driving range profile (i.e. by retaining a general west-to-east fall to limit the extent of raised ground at the east, by lowering the high middle ground to improve visibility, and by retaining an undulating surface in the near ground); removal of the linear north bund; avoidance of infill near existing tree planting.

The proposal would also be aided by restoring the parkland tree planting to the north and east to limit views of any flatter ground from within the parkland.

SWHT comment on the additional information: a cross-section drawing was one of the additional items requested in the original observations. However, SWHT also asked for other details, which have not been forthcoming, and SWHT provided guidance on how their strong concerns could be addressed, for which there was no response.

The objection therefore stands. Further to our discussion, we consider the impact of the landfill operation (lorry movements) on the character of the Registered Park and Garden and the Conservation Area to be a further concern, as is the potential threat to the Grade II Murtry Lodges and Gates from lorry impact and vehicle induced vibration, and the availability of appropriate waste to complete the scheme in the stated timescale.

6.5 Somerset Wildlife Trust

The Trust do not specifically object to the work on the golf course itself, but would want everything possible done to minimise any negative impacts on the surrounding areas. After the landscaping has been complete the Trust would request that the land is reinstated to as comparable a situation as it was previously (in planting and flora terms). The opportunity should also be taken to look at possible wildflower planting where appropriate.

Internal Consultees

6.6 Highways Development Management

No objection to the proposed scheme as it is felt that the traffic generated by the development will not have a detrimental effect on the local highway network nor cause highway safety concerns.

The proposal is to import inert material onto the site, 75,000 cubic metres of inert material will be brought into the site over a 20 weeks period. The maximum number of vehicle movements associated with the development would be 65 loads per day. The existing access into the site that will be used is located along a classified road A362 which is subject to the national speed limit and which on reviewing the recorded PIA's (Personal Injury Accidents) has no accidents within 500m of the junction in the last 5 years. At this existing access into the site there is an existing dedicated right turn lane into the site.

6.7 Acoustics Advisor

In summary there is unlikely to be a significant noise impact to residential development beyond the boundary of the estate from either the traffic or the site

operations. However, there is a need to clarify the planning status of dwellings near the site and within the estate and also clarify that the northern estate entrance is not to be used by HGV traffic.

6.8 Lead Local Flood Authority

No objection to the proposed import of material to level the driving range. However, the applicant must ensure that, where relevant, any land drainage systems continue to operate effectively, and that adequate drainage provision is made, particularly at the base of any steep slopes (e.g. toe drain or similar).

6.9 County Ecologist

Richard Green Ecology Ltd was commissioned to undertake an ecological appraisal of the proposed levelling of the driving range at Orchardleigh Golf Club, Frome. The proposals include depositing approximately 65,000 cubic metres of inert material to fill a void over the site area (approximately 2.9 ha). An extended phase 1 habitat survey of the site and surrounding habitats was undertaken on 13 June 2018.

The proposals would result in the temporary loss of approximately 2.9 ha of amenity grassland, considered to result in negligible ecological impact. The area of made-up ground will be returned to use as a driving range, i.e., amenity grassland. Three ponds were initially considered to have an average or good suitability to support great crested newts (GCN). No GCN eDNA was found in any of the ponds sampled and it is considered unlikely that GCN are present on the site. The margins of the driving range are used by slow worms and potentially hedgehog, which may be at risk of death or injury during the deposition of fill.

The site is within the Mendip Bat Consultation Zone and is located approximately 3.5 km north-east of Mells Valley SAC, primarily designated for greater horseshoe bats. Greater and lesser horseshoe bats have been recorded on the site. Pre-application consultation with Natural England has indicated that the proposed works are unlikely to have an impact on the qualifying features of the SAC and no Appropriate Assessment is required to be undertaken by the council.

There are no statutory designated sites within 2 km of the site. The site is within, and forms part of Orchardleigh Park Local Wildlife Site (LWS), designated for areas of wood pasture, broadleaved woodland, lake and rough pasture supporting rich flora and fauna. Buckland Woods, an area of ancient semi-natural woodland is located adjacent to Orchardleigh Park LWS.

The plans indicate that the inert material will be deposited very close to the edge of the woodland plantation, which may cause impacts to the trees and root systems. Therefore, further to my previous recommendations for conditions, please add a condition for tree protection for the plantation. If this is not practicable in accordance with the existing proposals, then plans would need to be amended to accommodate root protection areas or, if not feasible, the application should be refused.

In order to ensure that potential impacts to protected species and habitats are avoided and/or mitigated, conditions should be attached to any planning permission granted in relation to Reptiles, amphibians and Hedgehogs; & Bats, tree protection

The National Planning Policy Framework (170d), and the draft Environmental Bill, require biodiversity enhancement to be provided within development. In order to

ensure that the development achieves biodiversity net gain, a condition should be used to require the following:

The following will be integrated into landscape designs of the proposal:

- a) Two [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of x2 mature trees on site and maintained thereafter.
- b) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north or east elevation of a building on site.
- c) One log pile as a resting place for reptiles and or amphibians constructed on the boundary of the site.
- d) A corner edge, approximately 400 m² of native and locally occurring wildflower meadow grassland, within the site boundary, to be created and managed in accordance with the following guidance, and maintained thereafter: <http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to waste operations commencing.

6.10 Minerals & Waste Policy

Justification for the scheme (need and economic benefit) – in the planning statement, the applicant describes underutilisation of the driving range due to the undulation of the existing ground surface. The proposed scheme seeks to level the driving range to “achieve the desired goal of players being able to see the full scope of the range”. The enhancement of the facility “will encourage increase usage of the driving range facilities” and that this will “benefit members but also the applicant to consider wider corporate benefits which the estate already undertakes”. It is unclear what this statement means. There is no further detail regarding the current usage and potential usage if the facility is remodelled. It would be helpful if further information could be provided in relation to anticipated increased utilisation, alternative uses to support the justification of the scheme. Is the applicant able to provide further information in terms of projected economic benefit from increased use of the driving range?

Clarification of infill material – the planning statement discusses infill material being “as dug” soil and subsoil but in a later section (paragraph 4.3.3) discusses the proposed material as being soils and aggregates. We note that the applicant has not identified source material yet but we would ask that the nature of the proposed material is clarified.

It is noted that the planning statement discusses utility improvements to be made as part of the scheme, to convert the current overland high-voltage power cable running north west from the club house to an underground supply, providing both practical and visual benefits. We understand that construction and demolition waste arising from this work will be utilised in the scheme. No further details have been provided in the submitted documents so further information is requested. The scale of the utilities work is unclear and we are uncertain if the excavation material arising is likely to be significant or not. Could the applicant clarify how much excavated material from these works will be used in the proposed remodelling of the driving range, and how much additional material will need to be imported to site to achieve the proposed landform.

Public Consultation

- 6.11 The application was advertised through site and press notices, but no representations have been received from members of the public.

7. Comments of the Strategic Commissioning Manager – Economy & Planning

- 7.1 The key issues for Members to consider are:

- waste planning policy considerations;
- impacts on the historic environment;
- impacts from noise, mud and dust;
- impacts on biodiversity;
- local highway impacts;
- flood risk and drainage; and
- pollution.

The Development Plan

- 7.2 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)
- Mendip Local Plan Part 1: Strategy & Policies (adopted December 2014)

Material Considerations

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

- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance
- Mendip Local Plan Part 2: Sites & Policies (emerging)

Waste Policy Considerations

Spatial Strategy

- 7.4 As a one-off operation, despite the size of the operation to import approximately 125,000 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).

- 7.5 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*'.

- 7.6 Being accessed off the A362 and close to Frome, 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 the existing driving range.

Waste Hierarchy

- 7.7 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.
- 7.8 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.*
- 7.9 The proposal could be interpreted as involving the reuse of waste, and the applicant has indicated that the proposal will achieve benefits in terms of improving the operation of the driving range for golfers and generating revenue to assist in maintaining the estate. However, it is not considered that these amount to 'clear benefits to the local community' in terms of Policy WCS2, while subsequent sections of this report indicate the likely environmental disbenefits of the proposal.
- 7.10 For the proposal to represent recovery of waste, the waste would have to replace a primary resource that would otherwise need to be used. From the information supplied in the application, there is no indication or justification that works would proceed if waste material was not available for the construction of the landform and, as such, it would not appear to meet the definition of recovery. Therefore, the proposal should also be considered against Policy WCS4 (disposal) of the Waste Core Strategy.
- 7.11 Policy WCS4 presumes against landfill development unless '*the waste cannot be managed in a more sustainable way through diversion up the waste hierarchy*'. The information submitted by the applicant suggests that the waste imported to create the

landform would be clean, inert soils only and, as such, is unlikely that it could be managed further up the waste hierarchy.

- 7.12 Policy WCS4 also 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.*
- 7.13 The applicant's Planning Statement explains the land forming the driving range falls away and prevents golfers from seeing where balls land, resulting in the facility being under-utilised. It can therefore be argued that the proposal to create increase site levels at the eastern end of the facility using imported soils will allow it to be used more effectively, thereby complying with clause (c) of Policy WCS4. In terms of minimising the amount of waste used (part e), it is not considered that this has been demonstrated within the application. It is evident a smaller landform could be created which would still extend the level surface of the site to view golf balls for users of the driving range. The application does not indicate if options to use material already within the parkland have been explored, and it is considered that the application does not accord with clause (e) of Policy WCS 4.
- 7.14 Policies WCS2 and WCS4 also require that a proposal should accord with Development Management Policies 1 to 9 and, with the exception of Policy DM1 already discussed above, these are considered as appropriate under the topic-specific headings below.

Impacts upon the Historic Environment

- 7.15 The proposal has the potential to impact upon the Orchardleigh Grade II* Registered Park and Garden, the Lullington and Orchardleigh Conservation Area, and the setting of Listed Buildings including Temple Lodge (Grade II), Orchardleigh House (Grade II*) and potentially upon the Grade II listed Murtry Lodges at the entrance to the estate. These impacts could be both short-term during the waste deposition phase, and long-term following completion of the landform.
- 7.16 The NPPF states that great weight should be given to conservation of an historic asset, and the more important the asset, the greater the weight should be. In this case the Grade II* Registered Park and Garden and Orchardleigh House are both afforded greater weight in terms of their conservation.
- 7.17 The NPPF also states in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192). It also sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Impact upon the Registered Park and Garden

- 7.18 The application site sits within a golf course, which covers around one third of the Registered Parkland and which has changed the parkland character to a degree, as

a result of the removal or reduction in size of a number of plantations and the removal of some of the ancient parkland trees. This has resulted in landforms typically formed of gradual sloping fairways, with humps and dips, interspersed with linear planted trees. The general flowing character of the parkland has been retained.

- 7.19 It is considered that the direct impacts upon the Registered Park and Garden have not adequately been assessed as part of the application. No detailed Heritage Assessment of all of the impacts has been carried out for the Parkland, and specifically no assessment made to consider impacts on the trees, planting, circulation, and views during or after construction. The Heritage Appraisal submitted with the application makes a comment on the general views of the landform from the village of Lullington, and that the screening within the park would prohibit any significant inward or outward view of the proposed development, although it appears that this would be referring to the village of Lullington only.
- 7.20 Views of the waste deposition site and final landform are likely to be restricted to long distance views from the village of Lullington (around 500m away to the north east), and from the golf course to the north when the trees are in leaf. As the plantation, and trees that adjoin the site would limit views from the east, south and west, the affected views are likely to be from the Church of All Saints and surrounding buildings in Lullington, and likely to be of the steep bank (up to 6 metres high) at the eastern end of the site following completion. No photomontages or assessment of views have been submitted with the application, so it is difficult to ascertain the actual severity of this impact. Raised fairways and a wooded copse further to the north are likely to restrict wider views in this direction.
- 7.21 In winter, the raised ground level and operations could be visible through the tree line behind Temple Lodge and there could potentially be views from Gloucester Lodge.
- 7.22 In its justification for the proposal, the application suggests that the infilling of Longclose Quarry and the levelling of the driving range would be a restorative process returning the land to levels present before 1856 (when the house was constructed). However, it is considered that Longclose Quarry is located in only a small area in the south of the proposal land-raise, and that this would not justify raising levels for the entire site. There is no other explanation in the application of why this levelling of land would be desirable in terms of enhancement of the landscape.
- 7.23 In terms of impacts as a result of the construction phase, the deposition of inert waste material within the driving range would change the appearance of an area of grass to open ground, exposing the underlying soils. This is also likely to involve the use of plant, possibly excavators and dumper trucks to move the material around the site. It is likely that it would be the machinery that is most viewed from outside the site. As mentioned above, views of this are likely to be limited to those from the village on Lullington and from the golf course to the north. Although the impacts may well be severe at close range locations, views of the site during the construction phase are unlikely to have a significant impact upon key listed buildings, designed lakes or formal gardens from within the parkland.
- 7.24 In order to form the new ground levels, an average of 65 heavy goods vehicles (but up to 95) would travel along the approach drive to Orchardleigh House to the driving range to deposit the inert material. These vehicles would result in an increase in background noise levels between 7.30am and 5.30pm Monday to Friday and 7.30am

and 12.30pm on Saturdays. This would have a temporary effect on the tranquillity of the parkland as a whole, and that associated with a stately manor and grounds.

- 7.25 Associated with the delivery of soils and topsoil would be the potential for dust to be dispersed or mud to be deposited on the road, depending on the time of year. The application does note in one section that it is hoped material would be brought to the site during the drier months, although other documents refer to bringing in waste all year round. There are no details put forward in the application on how to manage these impacts. In combination with a rise in noise levels, these impacts would affect the experience of the parkland as a whole, although it is acknowledged that these could be managed to a degree and are temporary.
- 7.26 The application does set out that it intends to complete the formation of the bank within a four months window, although no details of where the material will be sourced, or likely sources have been submitted with the application. Concerns are therefore raised about the timescale to construct the landform as, without certainty of supply, it is difficult to ascertain how it can be ensured that this will be delivered within a four months period. The impacts could be acceptable on a temporary basis, over a four months period, if greater certainty and understating about exactly what these impacts will be were to be clearer.
- 7.27 Any lighting required to carry out operations during the winter could have impacts upon the parkland, depending on the type of lighting to be used, but this matter could be conditioned if planning permission were to be granted.
- 7.28 In terms of the post construction impacts, an assessment needs to be made of how the final landform would integrate within the registered park and garden, as well as any direct impacts from the landform, including upon trees.
- 7.29 Once complete, the raised landform would be grassed, assimilating with its surroundings. The proposed changes of level at the west end of the application site are relatively minor and screened by existing mounds. Concern has been raised by consultees about the height and steep profile at the eastern end of the proposed bank, and the appearance of the bank as it curves around the around oak trees to the north. A bund is also proposed to enclose the site to the north which is considered to be out of character with the wide landscape setting. It is therefore considered that the current proposal could potentially cause harm to the local character of the landscape within the parkland.
- 7.30 It has also been questioned why the entire driving range needs to be levelled, and whether a more modest landraise operation could be used to achieve levels and prevent the need to bring in more material, This alternative approach could be stepped back from the plantation and reflect the gentle slopes indicated as a possible option on the submitted plans. There is no explanation why a form of cut and fill operation has not also been considered (possibly using material within the site).
- 7.31 In terms of impact upon parkland trees, the list description for the registered park and garden refers to the scattered trees and plantations across the parkland. The application site is screened by Longclose Plantation, which incorporates parts of Longclose Quarry, with this ornamental plantation being an original C19 feature providing both an extension to the pleasure grounds and framing/revealing views to and from the house along the drive.

- 7.32 The plans submitted with the application currently indicate that the embankment would fall to the edge of this plantation. It is considered this is likely to encroach into root protection areas of trees along the perimeter, which may result in harm to the trees' health in the long term. It may also increase surface water run off that could impact upon the trees if it is not able to drain freely. The condition of the plantation trees has not been assessed or appropriate tree protection measures included within the application, in line with paragraph 189 of NPPF, and the proposal has the potential to harm these trees as part of the registered parkland.
- 7.33 In contrast, proposals to protect the trees to the north have been included, by setting back the embankment. These trees are later additions associated with the golf course, unlike the plantation, and are not part of the original designed landscape.

Concluding comments on the registered park and garden

- 7.34 It is considered the final landform will result in less than substantial harm upon the parkland landscape, resulting in a feature that would not assimilate into the parkland setting, due to its uncharacteristic steepness at the eastern end in particular. The scheme has the potential to have a direct impact upon the Longclose Plantation that would enclose the landform and forms part of the registered landscape. The restoration to original levels for the quarry is not considered to be a reasonable justification for the infilling, neither is the justification to improve the use of the driving range so balls can be seen when this could be achieved in a more sympathetic way. Consequently, there is not considered to be clear and convincing justification for the scheme in line with the NPPF paragraph 194.
- 7.35 In terms of impacts during the construction phase, there is insufficient evidence to demonstrate that the period of construction for the landform can be achieved within the proposed four months, which makes it difficult to determine the actual impacts. It is also difficult to conclude actual impacts upon key views of the site during the construction period, or the noise impacts upon heritage assets from this, when an adequate assessment has not been made.

Impact Upon Lullington and Orchardleigh Conservation Area

- 7.36 The conservation area overlays the Grade II* park and garden, and also includes the village of Lullington beyond this. The River Frome runs between Lullington and the site, with the land rising up to the driving range, so this is viewed as a tree lined ridge from the village church that is 420m distant.
- 7.37 It is considered that there could be direct views from the village of Lullington, particularly from the Church of All Saints and surrounding buildings, towards the north east end of the application site where the proposed change of level is most extreme and where there limited screening. Without a dense screen there also might be potential for noise to travel, so operations at the site during the construction period may well be heard in the village, and the surrounding parkland.
- 7.38 It is considered that the development could result in some harm to the character of the conservation area as a result of noise and change in the appearance of the landscape during the construction operations. The uncertainty about the time period of this, makes it difficult to ascertain accurately what the impacts might be.

Impacts upon Listed Buildings

Temple Lodge

- 7.39 The Grade II listed Temple Lodge is located around 150m to the south of the site and lies at a level 10 metres lower than the driving range, which is currently screened by mature deciduous woodland. The application identifies that the setting of Temple Lodge is very much its isolation, which allows for an appreciation of the character and design set against the park environment.
- 7.40 Impacts would mainly be restricted to the construction period, when there might be views toward the site, and vehicles operating on it, during winter months in particular as the plantation is deciduous, although these are likely to be limited due to the thickness of the plantation, and the topography (as the lodge sits below the site).
- 7.41 It is considered the most significant impact would be experienced as a result of increased noise levels, as well as the introduction of noises not typically associated with a parkland setting for the listed building, without the dense screen. It is unclear from the information submitted how severe these impacts would be, for example what machinery will be operated or the frequency of this. An estimated noise assessment has been carried out by the Somerset's Council Acoustic Specialist, which concludes that significant adverse noise levels are likely to be experienced within the grounds of Temple Lodge. It is clear that there will be a significant increase in noise levels within the setting of this property, which will affect the current tranquillity associated with this. In combination with the possible uncertainty regarding how long the development may take, it is considered likely that the development will result in less than substantial harm upon the setting of this Grade II Listed lodge due to temporary noise impacts.

Murtry Lodges

- 7.42 Murtry Lodges are located at the western entrance of the driveway for the park. Access for the 32 tonne dumper trucks depositing waste at the site would be from the A362, passing between the lodges and the wrought iron entrance gates. These vehicles are commonly just over 3 metres wide and around 9 m long.
- 7.43 The list description describes the gates:
- 'Pair of central wrought iron gates between the lodges on wrought iron piers, each capped with a winged crown. Low wrought iron decorative railings to forecourt of each lodge, terminating in tall ashlar piers with 4 stage pyramidal caps'.*

- 7.44 The application indicates an average of 65 loads per day passing through the gates, although this could be more depending on the availability of material. Concern is raised in this case regarding possible damage to the gates, due to the frequency and size of vehicles passing through them and impacts from vibration due to the numbers of large vehicles passing by. The width between them has not been measured, but the driveway has been estimated to be 3.5m wide. The development could therefore result in substantial harm to the gateway, although this isn't certain. In this case less than substantial harm is concluded.

Orchardleigh House

- 7.45 The development would not result in any direct harm to Orchardleigh House, or the listed buildings within the parkland (Other than those identified above). Due to the location of the house, there would not be any direct views of the development during or after construction. It is considered in this case impacts would be focused upon the setting of the house, and the experience of those users of the driveway leading up to

the house during the construction period. Greatest impacts would be from the noise of machinery and vehicles associated with the waste operations.

- 7.46 In this case the application has not assessed the impact from noise upon the House or the parkland. No details have been provided on the change to noise levels as a result of the development, as well as the frequency or types of noise. Due to the inherent tranquil, and quiet experience of the estate itself, it is considered that changes to this might be perceived more severe when compared to a less quiet location. It is clear that these changes to noise levels will be for a temporary period only. Although as set out above there is some uncertainty about how long this will be. In this case it is considered that the development could result in less than substantial harm upon the setting of the Grade II* listed Orchardleigh House.

Conclusions on Historic Environment Impacts

- 7.47 There is insufficient evidence in the application to determine the actual impact in terms of noise, or an up to date assessment of views of the development, as well as factual information regarding the development itself. From the authority's own assessment, less than substantial harm is concluded as impact upon the Grade II* Registered Parkland (permanent impact), the setting of Orchardleigh House and Temple Lodge, and possible direct impacts upon Murtry Lodges and the associated wrought iron gates in particular (temporary impacts).
- 7.48 This harm is not considered to be justified by the proposal as there are less harmful solutions and there is insufficient evidence to demonstrate overriding public benefits that outweigh this harm. The development in this case is not considered to accord with paragraphs 189, 190, 194, & 196 of the NPPF, Policy DM3 (impacts on the environment and local communities) and Policy DP3 (Heritage Conservation) of the Mendip Local Plan. The application has not demonstrated adequate mitigation measures or compensation for the adverse impacts and in this case does not accord with Waste Core Strategy policy DM3 (Impact upon environment and local communities).

Impacts upon Residential and Working Amenity

Noise

- 7.49 The site is found within a golf course and located within a wider parkland and estate of 325 ha. This is set within a wider agricultural and rural landscape of fields bounded by hedgerows, just north of Frome. The area is typically tranquil and would be associated with relatively low levels of noise. Public Rights of Way run through the estate, and along the driveway that passes just south site in particular, which have local recreational and amenity value.
- 7.50 The applicant's Planning Statement indicates that the nearest noise sensitive properties are located beyond the estate boundary at 450m, and more to the north-northeast of the site. However, there are occupied dwellings nearer to both the access route and development site.
- 7.51 The nearest residential property to the driving range noted within the park is Temple Lodge, although it is unclear in the application who owns this property. The cross-section drawing D-D suggests a fill height of approximately 2m will exist at the site boundary closest to Temple Lodge, which is located between 130m and 260m from the site boundaries. This separation distance would be less when considering the

extent of the garden amenity area to the north of the dwelling, which would reduce separation distance to 100m.

- 7.52 Murtry Lodges, located either side of the entrance to the driveway at the eastern end of the estate, directly adjoin and enclose this access route, with the only separation between vehicles and the buildings being some cobbles and a wrought iron gateway. Again, ownership of the property is not known at this time.
- 7.53 Noise associated with the development is likely to be generated from the delivery of waste material, as well as from moving material around the site to create the new landform within the driving range.
- 7.54 The application sets out that there will be an average of 65 loads per day (130 movements), with occasional peaks of up to 90 per day amounting to 180 movements. Eight-wheel rigid chassis lorries would enter the site from the A362 to the west and pass between Murtry Lodges, and then pass near to a number of other lodges along the driveway before reaching the site. Beyond the parkland boundary, it is indicated that Iron Mill Lane (leading into Coal Ash Lane) will be used by HGVs for deliveries.
- 7.55 The site working hours are stated to be between 07:30-17:30, Monday to Friday; 07:30-12:30 on Saturdays; with no working on Sundays or Bank Holidays. There are limited details regarding the proposed operations on site, what machinery would be used, or the frequency and duration of the use, but it is likely that an excavator and possibly a dozer would be used. The application does not mention the use of crushers on site, and describes the material 'as dug', so it is assumed that these will not be required.
- 7.56 In term of policy considerations, the NPPF (paragraph 180) states that developments should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'. Evidence from appeals has suggested that sensitive properties owned by applicants may not fall within the remit of a material planning consideration. As stated above it is not clear within the application who owns properties impacted as a result of noise from the proposed operations. In this case there is insufficient evidence to justify properties within the grounds being disregarded as 'noise sensitive' during planning consideration. Nonetheless, if these properties are owned by the estate, planning still has a role to play in achieving good design and sustainability objectives.
- 7.57 The same paragraph within the NPPF also states '*identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*'.

Impacts from the delivery of materials

- 7.58 As set out above, there is a requirement for 130 HGVs to move through the site per day as an average, and through the surrounding roads. In terms of an assessment of the impacts upon the A362, it is considered that the number of vehicles over the 10 hours operational period would, for example, result in 13 trips per hour. When compared to the nominal 500 movements per hour on the A362, this is unlikely to have significant noise impacts.

7.59 As mentioned above, insufficient information has been submitted within the application to determine the ownership of Murtry Lodges, or to determine the noise impacts as a result of the movement of waste for the development.

Impacts on properties within the parkland

7.60 Temple Lodge is the nearest property to the site. It is noted that there is intervening woodland cover that would be expected to obscure direct view to any operations, and may play a function in reducing noise levels. This is deciduous woodland so it is expected that any function as a noise barrier or screening, would be reduced during winter months.

7.61 The County Council's Acoustic Specialist has made his own assessment of possible impacts upon the lodge, and the Defra database of plant noise levels would suggest noise at 10m from an excavator and a dozer might be 76dB(A) and 80dB(A) respectively. Based on these assumptions and minimal acoustic screening, it is expected noise at Temple Lodge resulting from use of a 32t excavator to range between 43-50dB(A) at the furthest and closest site working locations. Noise in the garden areas nearer the site could be greater, but unlikely to exceed a level of 53dB(A). Noise from a dozer could be 4dB greater than that from an excavator and, if both items of plant were in operation, levels could at worst be 5.5dB greater than excavator levels alone. Typical prevailing south-westerly winds may reduce these levels of noise, but winds from the northerly direction could increase them slightly. Considering the closest working to the garden of Temple Lodge the following levels of plant noise would therefore seem possible:

- excavator working in isolation <53dB(A)
- dozer working in isolation <57dB(A)
- excavator and dozer operating <58.5dB(A)
- reduction in noise level at furthest site position ~7dB

7.62 The background noise levels at this location have not been assessed, but it is expected that these would be low and influenced primarily by the traffic sources that are a kilometre or more away. Background noise levels are assumed to be between 30-35dB(A) with ambient Leq noise levels to be only a few dB greater. If all these assumptions are correct, it would be expected that the operational noise of plant at all working locations to appear distinctive to the residents within the garden of the Lodge as it will be in excess of 10dB above background noise.

7.63 As such, it is considered that the impact of mechanical noise at the closest property is at very least intrusive (as it can be heard and is likely to cause small changes in behaviour, attitude or other physiological response) and, if consent was to be granted, this would require mitigation and reduction to a minimum. The impacts might also be expected to disrupt the use of gardens if residents would wish to avoid any prolonged periods of distinctive mechanical noise.

7.64 Over the limited time of the application the residential quality of life may therefore diminish due to the change in acoustic character of the area. The planning significance of this fact may depend on Temple Lodge's ownership in relation to the applicant. The extent to which any planning consent might bring about significant observed adverse effects to an unconnected residence remains unclear, but could support objection to the development or at least require better justification for the

large importation in comparison with other approaches that have less impact, such as surface levelling, to achieve the objective of improved golf ball visibility.

- 7.65 It is recommended that, if consent is to be granted, a condition would be required for a noise mitigation scheme to ensure noise impacts are minimised as far as reasonably practicable at these occupied dwellings. As a minimum, these would need to set out the details of phasing, and the possible construction of bunds to screen subsequent fill activities. There would also be a need to address the reduction of distinctive tonal noise from reverse warning alarms of site-based plant and delivery vehicles.
- 7.66 Outside the parkland, there is unlikely to be a significant adverse noise impact to residential properties beyond the boundary of the estate from either the traffic or the site operations.

Overall noise impacts

- 7.67 As set out above, the parkland and its golf course is an intrinsically tranquil place, and the importation of waste material to create a level platform, so that golfers have increased visibility of golf balls, will increase noise levels in the close vicinity to the operation and possibly within the wider parkland. A noise assessment has not accompanied the application, so the impact from noise is not clear at this time.
- 7.68 In this case, how severe the impact would be upon affected residential properties, or upon the tranquillity of the parkland overall, has not been assessed. The Council has made its own general assessment, without the benefit of the measurement of noise levels, but with assumptions made for potential adverse impacts from noise. There is insufficient evidence in this case to demonstrate that the development would align with paragraph 180 of the NPPF in terms of minimising and mitigating potential significant adverse impacts on health and the quality of life (part a), or part B, which seeks the protection of tranquil areas.

Mud & Dust

- 7.69 The application states that importation of waste material would be carried out over a four months period. The Planning Statement sets out that there would be potential to operate at any time of the year, although separately within the same statement, it states that deliveries would be made during the driest months of the year.
- 7.70 There is potential during winter months, when it is wetter, for significant amount of mud to be deposited on the road if not managed appropriately. In contrast, carrying out deliveries during the drier months poses problems in relation to dust, which is normally managed on waste sites through the use of a bowser to dampen approach roads.
- 7.71 The application does state that lorry wheels will be cleaned prior to vehicles exiting the driving range site, but this is unlikely to have much impact in terms of minimising dust.
- 7.72 To minimise impacts and ensure the operation does not generate significant amount of dust, which could affect nearby properties, it is recommended a condition is used to ensure dust and mud are appropriately managed in a 'Construction Environmental Management Plan'. With mitigation and an agreed plan, the development is capable of according with Waste Core Strategy policy DM3 (Impacts on the environment and local communities) in relation to this impact.

Impacts upon Biodiversity

- 7.73 In terms of designations, the site is located within the Orchardleigh Park Local Wildlife Site (LWS), which is designated for areas of wood pasture, broadleaved woodland, lake and rough pasture supporting rich flora and fauna. Buckland Woods, an area of ancient semi-natural woodland, is located adjacent to the north west of the Orchardleigh Park Local Wildlife Site.
- 7.74 The site is also located within the Mendip Bat Consultation Zone, due to its proximity to the Mells Valley Special Area of Conservation (SAC), found approximately 3.5 km north-east of the site. This is primarily designated for Greater Horseshoe Bats. Following screening under the Habitats Regulations, it has been concluded that this development will not, alone or in-combination with other projects, have a likely significant effect on this European site.
- 7.75 A number of existing ponds are within 400m of the site (the nearest is 50m away) and are considered to provide possible suitable habitat for Great Crested Newts, although sampling concluded that these species are unlikely to be present.
- 7.76 In terms of impacts upon species associated with the site, greater and lesser horseshoe bats have been recorded on the site, and the three trees to the north east of the site have moderate to high suitability for roosting bats. These trees and Longclose Plantation also provide suitable habitat for foraging and use as a flyway. The three trees to the north will remain as part of the development, and the fill has been set back from the trees to help limit any harm to them. It will be important to protect these during any construction works.
- 7.77 The margins of the driving range are used by slow worms and potentially hedgehogs, which may be at risk of death or injury during the deposition of fill. Conditions would need to be used to protect these species.
- 7.78 In order to ensure any biodiversity net gain is achieved at the site, in accordance with the NPPF (paragraph 170 (d)), and the draft Environment Bill, the following measures would need to be incorporated into any grant of permission:
- a) two Beaumaris Woodstone maxi bat boxes or similar to be mounted under the apex of the west elevations of two mature trees on site and maintained thereafter;
 - b) two Schwegler 1SP Sparrow terraces or similar, at least one metre apart directly under the eaves and away from windows on the north or east elevation of a building on or near the site;
 - c) one log pile as a resting place for reptiles and or amphibians constructed on the boundary of the site; and
 - d) a corner edge, approximately 400m², of native and locally occurring wild flower meadow grassland within the site boundary, to be created and managed in accordance with the following guidance, and maintained thereafter:
<http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>
- 7.79 In terms of impacts upon habitats, the proposal would result in the temporary loss of just under 3ha of amenity grassland, although this is considered to result in a negligible ecological impact, particularly as the amenity grassland will be returned following completion of the development.

- 7.80 The development in its current form is considered to impact upon Longclose Plantation. As mentioned above, the inert material will be deposited right up to the edge of the woodland without any separation distance, and therefore likely to be within the root protection area. It is considered that there would not be sufficient room to erect protective fencing, which may have a long-term effect on the trees and the biodiversity they support. It is therefore considered that the proposal, without changes to the design, has potential to cause adverse impacts upon habitats and possible species due to the close proximity of the operations, and is therefore contrary to Somerset Waste Core Strategy Policy DM3 (impacts on the environment and local communities), Mendip Local Plan Policy DP5 (Biodiversity and Ecological Networks) and paragraph 170 of the NPPF.

Highways

- 7.81 The access into the site from the A362, is on a dedicated right-hand turn, and there is no record of accidents within 500m of the junction in the last 5 years. The scheme will generate up to a maximum of 90 loads per day, with an average of 65. There are no details within the application regarding parking for any staff supervising the facility, and it is presumed that these will use the existing Golf club.
- 7.82 The Highway Authority has considered the impacts and concludes that the traffic generated by the development will not have a detrimental effect on the local or strategic highway network nor cause highway safety concerns. In this case the development is considered to accord with Waste Core Strategy policy DM6 (Waste Transport) and Mendip Local Plan policy DP9 (Transport Impact of New Development).
- 7.83 To ensure that this access is used, it will be key to agree a legal agreement for routing, which would also prevent impacts upon listed buildings as identified in the heritage section.

Flood Risk and Drainage

- 7.84 The site is at very low risk of both surface water and river flooding but, due to the introduction of steep slopes, the Lead Local Flood Risk Authority has recommended that the applicant must ensure that adequate drainage provision is made and, where relevant, any land drainage systems continue to operate effectively. A condition should be added to any permission to ensure the development accords with Policy DM7 (Water Resources) of the Somerset Waste Core Strategy.

Pollution

- 7.85 The application indicates that clean 'as dug' soils will be brought into site, although there are no details about where the material will be sourced or how management practices on site can ensure that soils are not contaminated. It is therefore considered that a Construction Environmental Management Plan (CEMP) should set out how soils will be managed, as well as measures to prevent contamination. Any grant of permission should condition that only inert soils are brought to the site and that a CEMP is agreed to ensure the development is in accordance with Policy DM3 of the Somerset Waste Core Strategy and Policy DP8 (Environmental Protection) of the Mendip Local Plan.

Concluding Comments

7.86 While the proposed development will result in benefits for users of the golf driving range, it is considered that these benefits would not accrue to the wider community (contrary to the requirements of Policy WCS2), and would be outweighed by the significant adverse impacts on heritage assets within the estate and habitats and species associated with the adjacent plantation. The application also fails to demonstrate that the minimum amount of waste would be utilised in the proposed operation, and it is therefore contrary to that requirement of Policy WCS4.

8. Recommendation

8.1 It is recommended that planning permission be REFUSED for the following reasons:

1. The proposed development would introduce a permanent artificial landform and have an adverse impact upon the integrity of the adjacent Longclose Plantation, resulting in harm to the landscape character of the Grade II* Orchardleigh Registered Park and Garden. Temporary adverse impacts during the construction of the landform would result in harm upon the setting of Orchardleigh House (Grade II*), Temple Lodge and Murtry Lodges (Grade II). The proposal is therefore contrary to paragraphs 189, 190, 194, & 196 of the National Planning Policy Framework, Policy DM3 (Impacts on the environment and local communities) of the Somerset Waste Core Strategy and Policy DP3 (Heritage Conservation) of the Mendip Local Plan.
2. The development has the potential to cause adverse impacts upon habitats and species within the Orchardleigh Park Local Wildlife Site, due to the close proximity of the operations to Longcase Plantation, contrary to Policy DP5 (Biodiversity and Ecological Networks) of the Mendip Local Plan and paragraph 170 of the National Planning Policy Framework.
3. The application fails to demonstrate that the proposal would achieve clear benefits to the local community and environment and that the minimum amount of waste would be used in order to create better visibility at the driving range, contrary to Policies WCS2 (recycling and reuse) and WCS4 (disposal) of the Somerset Waste Core Strategy.

9. Relevant Development Plan Policies

9.1 The following is a summary of the reasons for the County Council's decision to refuse planning permission.

9.2 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
- DM6: Waste transport
- DM7: Water resources

Mendip Local Plan Part 1: Strategy and Policies (adopted 2014)

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

- Core Policy 1 (Mendip Spatial Strategy)
- Core Policy 4 (Sustaining Rural Communities)
- DP1 (local Identity and Distinctiveness)
- DP 3 (Heritage Conservation)
- DP5 (Biodiversity and Ecological Networks)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)

9.3 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.

9.4 **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.