

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

*Application*

*Number:* SCC/3723/2020  
*Date Registered:* 17 June 2020  
*Parish:* Huish Episcopi  
*District:* South Somerset  
*Member Division:* Langport  
*Local Member:* Councillor Claire Aparicio Paul  
*Case Officer:* Charlie Pope  
*Contact Details:* [charlie.pope@devon.gov.uk](mailto:charlie.pope@devon.gov.uk) (01392 383000)

*Description of*

*Application:* North-eastern extension (2.9ha) on existing active quarry  
*Grid Reference:* Easting - 341735, Northing - 128652  
*Applicant:* Lovell Stone Group Ltd., Lovell Stone Group Ltd.  
*Location:* Bowdens Lane Quarry, Bowdens Lane, Huish Episcopi, Langport  
TA10 0D

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

1.1 The application relates to an extension of an existing quarry in a north eastern direction with a site area of 2.9 hectares. The main issues for Members to consider are:

- planning policy considerations;
- impact on archaeological remains;
- surface water management of the site;
- landscape impact;
- impact on residential amenity, including effects of noise and dust;
- ecological impacts;
- highways impacts; and
- other environmental impacts and their control.

1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in section 9 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development.

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

2.1 Bowden's Lane Quarry is a building stone quarry just off the A372 Langport to Bridgwater road, approximately 1.5km north of Langport. The quarry produces white lias and blue lias limestone, primarily for use as building and walling stone, and covers an area of approximately 7ha. The application site measures 2.9 hectares which is proposed to include the extraction area, soils storage and access.

2.2 The field is on a level with the existing quarry to the south, at the head of the south-facing scarp, with the most recent extension of the quarry directly to the west. South of the existing quarry is a steeply sloping, south facing field comprising calcareous grassland that is part of Aller Hill SSSI approximately 176 metres from the application site. Approximately 250m to the south/south-east of the site is low lying land that has been designated as an Environmentally Sensitive Area.

2.3 The nearest residential properties are Pontiwel, which is approximately 145m to the east and Homestead Farm, which is located approximately 280m to the northwest, both served off Bowden's Lane.

2.4 Bowden's Lane itself is a country lane serving about eight properties including residences, farms, kennels/cattery and a touring caravan site. South of the lane the land slopes quite steeply down to the A372.

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

3.1 Application 99/00102/CPO – the original application was for the extraction of white lias from a greenfield site of approximately 2ha to be worked in four phases. Initial proposals were for output up to 3,000 tonnes per year, working 0700 to 1800 Monday to Saturday and a site office/workshop. Concern was raised during the first round of consultations over the impacts of the extraction and as a result the proposal was scaled down. The applicant agreed to a reduced output limit of 1,500 tonnes but did not agree to a requested reduction in the size of the working area. The Officer recommendation to the Regulation Committee was for approval with conditions which

would enable assessment of the impacts of the development before the extraction could progress to phase 3 and working only permitted Monday to Friday. The application was finally determined at Regulation Committee on 2 February 2000 where Members voted to refuse the application. An appeal was lodged by the applicant but this was subsequently withdrawn when permission 00/01806/CPO was granted.

- 3.2 Permission 00/01806/CPO – conditional permission granted on 1 May 2001 for quarrying of white lias limestone on a site of 1.6ha south of Bowden’s Lane. The extraction area was originally proposed as 0.72ha but as a result of negotiations was reduced to 0.48ha with no extraction within 40m of the southern boundary. Output restricted to 1,200 tonnes per annum, and other conditions required no more than 10 movements of vehicles in excess of 17 tonnes gross weight during one week; no lorries to enter or leave the site between 0830 and 0900, 1525 and 1540, an 1600 and 1630 on schooldays; hours of operation to be 0800 to 1800 Mondays to Fridays with no working on Saturday, Sunday or Public Holidays; and reclamation of the site to a condition suitable for nature conservation.
- 3.3 Permission 08/01958/CPO – a section 73 application to vary conditions restricting the extraction area and the pattern of working within the quarry was approved on 24 July 2008. The application was submitted to regularise noncompliance with restrictions on the extraction area and method of working. Due to faulting across the site some of the underlying stone was found to be fractured and not suitable for use as building stone resulting in a deviation from the approved working plan in order to access viable reserves of white lias limestone and to meet demand. The extraction area was increased by 0.5ha but all other conditioned restrictions on output, hours and vehicle movements remained the same as 00/01806/CPO.
- 3.4 Permission 11/02619/CPO – conditional planning permission granted on 01 September 2011 for an extension of the quarry for a further 0.9ha bringing the total extraction area to 2.2ha. The permission also enabled the establishment of a processing workshop and hardstandings and a new access off White Hill. Conditions required output to be restricted to 3,000 tonnes per annum; no more than 10 movements of heavy goods vehicles per week, with no lorries to enter or leave the site at school pick up and drop off times; hours of operation increased to 0700 to 1800 Mondays to Fridays, and 0700 to 1700 on Saturdays, with no working on Sunday or Public Holidays; noise levels arising from the site not to exceed 48dB(A) Leq (15 minute) free field at any residential or noise sensitive property; and a restoration scheme for the site to submitted in 2021.
- 3.5 Permission 14/04247/CPO a section 73 application for continuation of development permitted by permission 11/02619/CPO without compliance with condition 18 (removal of material from site) and 34 (importation of stone) was approved in 2014. This application allowed for exportation of some of the stone that is not suitable for dimension or building uses.
- 3.6 Permission 14/04248/CPO conditional planning permission granted in 2014 for a for 1.5ha eastward extension to the quarry. Conditions included output restricted to 3,000 tonnes per annum no more than 20 movements of heavy goods vehicles per week, with no lorries to enter or leave the site at school pick up and drop off times;

and hours of operation 0700 to 1800 Mondays to Fridays, and 0700 to 1700 on Saturdays, with no working on Sunday or Public Holidays.

- 3.7 Permission 17/01217/CPO - conditional planning permission granted on 9 February 2017 for an extension of the quarry to the north of Bowden's Lane, increasing extraction area by a further 1.7ha. This was accompanied by a legal agreement to forgo a consent for a 1.5 ha field that was deemed to contain features of archaeological value. Conditions included output restricted to 3,000 tonnes per annum; hours of operation increased to 0730 to 1800 Mondays to Fridays, and 0730 to 1300 on Saturdays, with no working on Sunday or Public Holidays; noise levels arising from the site not to exceed 48dB(A) Leq (15 minute) free field at any residential or noise sensitive property; and a restoration scheme for the site to submitted in 2028.
- 3.8 Application SCC/3721/2020 – an application was submitted to the Mineral Planning Authority on 19 May 2020 that seeks to vary Condition 7 of permission 17/01217/CPO to increase annual output from 3,000 tonnes to 21,000 tonnes of stone. A separate report on that application is included on the Committee agenda.

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

- 4.1 The main element of the proposal is to increase the area of extraction north of Bowden's Lane and create a new access to the southern part of the quarry complex crossing that road. It is proposed that the existing northern extension is extended to the east into the remainder of the field. This would enable the continued supply of blue and white lias to the local construction market.
- 4.2 The application site measures 2.9 hectares to include the proposed extraction area, soils storage and access. The proposed extraction area measures 2.2 hectares, maintaining a 5 metres stand-off from the northern and eastern boundary hedgerows and a 35 metres stand-off from the southern boundary. Extraction is proposed to a depth of 8.5 metres below the existing surface level. The applicant has proposed a working scheme with three distinct phases And, following extraction at each stage, the prior phase is proposed to undergo restoration.
- 4.3 It is proposed to move the crossing point over Bowden's Lane 30 metres to the west of the existing crossing point, straightening the access route into the southern quarry area. This will enable the safer movement of vehicles into the existing processing building area within the original southern quarry area.
- 4.4 The method of restoration of the site complements the northern extension with land restored to the original ground levels by backfilling the void with waste stone and off cuts. The applicant has advised that, due to 'bulking', there will be a surplus of waste stone produced which can be crushed and sold to the local markets for agricultural tracks and similar uses. Soils are proposed to be replaced at their existing depth and the haul road removed. The land will be seeded with a grass seed mix to produce low productivity calcareous grassland to be managed by grazing and as habitat for wildlife particularly reptiles and butterflies. The creation of the two new access points will remove 20 metres of hedgerow, but the existing access that will be replaced by this new access will be infilled and replanted.

- 4.5 The operational hours proposed are to remain the same as existing, i.e. 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturday, with no working on Sundays or Bank Holidays.
- 4.6 Stone would continue to be extracted by use of a single excavator which prises and lifts it from the bed. The stone would be carried by dumper truck to the storage/processing area to the south of Bowden's Lane.
- 4.7 The majority of the stone produced at the quarry would be processed within the proposed buildings for walling and building purposes. This would be taken off site in bulk bags (dumpy bags), and there would be no retail sales from the site. High quality stone suitable for sawing and dressing into masonry products or made into polished stoneware would be taken off site in blocks to the applicant's masonry factory in Purbeck, Dorset.
- 4.8 The applicant proposes the same restriction on annual output that is being sought for the northern extension through application SCC/3721/2020, i.e. for a total of 21,000 tonnes comprising 3,000 tonnes of building stone and 18,000 tonnes of crushed waste stone for aggregate use.

## **5. The Application**

- 5.1 Plans and documents submitted with the application
- Application form and fee
  - Bowdens Lane Northeastern Extension - Planning Statement v1.0.
  - Appendix A Geophys Report October 2016
  - Appendix B - Approved WSI dated 7th February 2018
  - Appendix C - Dust Assessment and Mitigation Scheme JS/v2.0 6 dated 9 February 2017
  - Appendix D - Ecological Appraisal (MEC, 27 April 2020)
  - Appendix E - Flood Risk Assessment v1.0 OL/v1.0 dated 15/05/2020
  - Appendix F - Access Details - Details Pursuant to Conditions 11 & 34 of Planning Permission 17-01217-CPO
  - Appendix G - LVIA Amended April 2017 ref: 16.454 November 2016
  - Location Plan no. 21331-G12
  - Phase 4 - Working Plan no. 21331-G13
  - Phase 5 - Working Plan no. 21331-G14
  - Phase 6 - Working Plan no. 21331-G15
  - Proposed New Access no. 21331-500- G11
  - Restoration Plan no. 21331-G16
  - Sections Plan no. 21331-G17
  - Topographic Survey no. 21331-500- 01

## **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 extraction activity does not fall within the scope of Schedule 1 of the 2017 EIA Regulations. Schedule 2 development includes extractive industry and quarries. The Annex on Indicative Screening Thresholds indicates that EIA is more likely to be required for quarries covering more than 15 hectares or involving the extraction of more than 30,000 tonnes of mineral per year. The proposal is for a 2.9 hectares extension to a quarry which is currently 7 hectares in size resulting in an overall site area of approximately 10 hectares, albeit that 1.5 hectares would no longer be used for stone extraction, with an upper proposed output rate of 21,000 tonnes per year. The likelihood of significant effects is said to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion. Due regard will be given to these factors in determination of this application. The proposal is not deemed to have a likely significant environmental impact on a sensitive area. The proposed development is therefore not regarded as 'EIA development' and submission of an Environmental Statement is not required.

## **7. Consultation Responses Received**

### External Consultees

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

No objections.

#### **7.2 Huish Episcopi Parish Council**

No comments received.

#### **7.3 Aller Parish Council**

No comments received.

#### **7.4 Environment Agency**

The Environment Agency has no objection to the proposed development subject to the following informative notes being included in any planning permission granted.

##### **Groundwater Protection**

We have reviewed the Planning Statement (Land and Mineral Management, 29<sup>th</sup> May 2020) submitted in support of this application.

The Statement proposes the extension to be worked along the same lines as the existing quarry with extraction being limited to the base of the Lias Limestone and remaining above the water table. This being so, low permeability mudstones and clay will remain in place at the base of the void thus maintaining a degree of protection to the underlying aquifer which serves a number of nearby abstractions.

##### **Environmental Permit - Waste**

If further screening bunds are proposed these may require an Environmental Permit depending on material used. A permit is likely if it is not constructed with site won material. If this screening bund is proposed to be used for restoration, this may also require an environmental permit depending on material used.

## 7.5 **Natural England**

This proposal has the potential to add to nutrient loads (phosphorous) within the catchment of the Somerset Levels & Moors Ramsar Site, and therefore it may require mitigation and be subject to a Habitats Regulations Assessment. However, the proposed measures to prevent surface water run-off/pollution at the site may be sufficient to rule out a pathway to the Somerset Levels and Moors Ramsar Site.

Measures should be taken to avoid direct (e.g. dust) and indirect (traffic) impacts on Aller Hill SSSI.

The Brown Hairstreak butterfly, a Section 41 species, is known to use the blackthorn hedges in this area, particularly on second year growth. Therefore, maintaining a 5m buffer around the existing hedges which are blackthorn-rich will be beneficial for this species.

### Internal Consultees

## 7.6 **Highways Development Management**

The Highway Authority comment that it is noted that the proposal will not increase the level of vehicular activity associated with the site; four loads per day (eight movements) and that access management is to be amended, and notwithstanding the details shown in paragraph 3.16 of the planning statement and all works within the highway shall be constructed to Highway Authority standards.

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:

- The proposed access shall have a minimum width of 6 metres.
- Prior to occupation of the development hereby permitted the proposed access over at least the first 10 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
- Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- The existing vehicular access to the site shall be closed to all traffic, its use permanently abandoned and the verge crossing reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within 3 months of the new vehicular access hereby permitted being first brought into use.
- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

## 7.7 County Acoustics Specialist

The perception of noise expected to arise from an eastern extension of quarrying operations, continuation of processing activities, will in my view for the most part, be classified by the Noise Exposure Hierarchy Table of Planning Practice Guidance – Noise 2019 (PPGN) as a ‘Present and not intrusive’ impact. In my view ‘Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life’ at surrounding residential development. Under these circumstances noise would not be sufficient to be a planning concern.

I consider the potential noise impacts arising from the application as sufficient to require planning assurance that noise mitigation is undertaken where possible. Clarification was requested on crushing and screening operations and plant / HGV access but in my view current information still leaves uncertainty in regard to the mitigation of noise, particularly associated with HGV movements to and from the northern quarry.

In my view the statement provided by the agent on crushing and screening activities could be adapted to a planning condition and this would remove any uncertainty with regard to the noise mitigation approach to be employed within the northwest quarry, and potentially northeast quarry areas. I offer the following wording to address this:

The operator shall ensure plant associated with screening and crushing shall be used at the base level of the quarry and positioned so as to minimise the propagation of noise towards housing.

I remain uncertain if the operator has considered the practicality to minimise the impact of HGV traffic passing near to Pontiwel. The use of the southern quarry site road, with exit on the highway, at the main site entrance, would offer acoustic benefit and possibly other benefit over highway use (reduced risk of road user conflict, reduced drag-out). The acoustic benefit of using the internal site road of the southern quarry would, however, rely on its upkeep to maintain a level running surface and avoid unnecessary noise from HGV body-slap. This site road is permitted under conditions 3 and 14 of the 2011 consent 11/02619/CPO and is defined in the associated plan 10240 004-2B, but there are no specific conditions or plan details to ensure a smooth running surface might be retained throughout the life of the quarry. I therefore suggest the following condition as a solution:

The operator shall ensure all plant and vehicles enter the northern quarry areas via the newly created southern quarry access point defined by plan 21331-500-G11 and depart via the existing southern quarry site road defined in plan 10240 004-2B of 11/02619/CPO. The operator shall maintain the southern quarry site road to retain a level running surface over a length of 150m from the south-eastern site entrance.

Based on the above consideration, my earlier comments and suggested additional conditions I would suggest that noise impacts from quarrying and processing would be mitigated sufficiently to make the application acceptable to the MPA.

## 7.8 Flood Risk Management

The Flood Risk Assessment for the proposed site is somewhat scant, and it is not clear if the proposals would introduce any flood flow routes into the site. It is



recommended that any industry best practice for the management of any surface and groundwater be followed, however we note that the risk of groundwater being encountered are low.

#### 7.9 **South West Heritage Trust**

The applicant has submitted a Written Scheme of Investigation that was informally agreed with this office prior to submission. The WSI reflects the appropriate level of archaeological recording required.

For this reason, I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following compliance condition attached to any permission granted.

Programme of Works in Accordance with a Written Scheme of Investigation (POW)  
The applicant or successors in title will secure the implementation of the programme of archaeological work set out in the Written Scheme of Investigation (Northern extension to Bowden's Lane Quarry, Huish Episcopi, Somerset, Project specification for an archaeological recording action, TVAS 2018) which has been submitted and approved in writing by the Planning Authority. The WSI includes details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

#### 7.10 **County Ecologist**

No comments received.

##### Public Consultation

7.11 Two representations have been received directly to Somerset County Council from members of the public, the main points of which are summarised below:

- unsustainable increase of quarrying activities at the site. Original planning permission was for two movements per day, one into and one out from the quarry; and
- road not suitable for increased traffic for the following reasons; concern regarding the safety of the junction joining A372 and inadequate assessment of it; White Hill steep and narrow which prevents two vehicles from passing along much of its length, both sides of this lane are bounded by either a steep bank; lane is used by walkers, cyclists, school children and a local stable for exercising horses; and, weight of vehicles and increase frequency will lead to damage on the lane already in need of repair.

### **8. Comments of the Service Manager – Planning & Development**

8.1 The key issues for Members to consider are:

- planning policy considerations;
- impact on archaeological remains;
- surface water management of the site;
- landscape impact;
- impact on residential amenity, including effects of noise and dust;

- ecological impacts;
- highways impacts; and,
- other environmental impacts and their control.

### **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 Minerals Plans (adopted 2015)
- South Somerset Local Plan (adopted March 2015)

### **8.3 Material Considerations**

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

- National Planning Policy Framework (February 2019)
- Planning Practice Guidance

### **Planning Policy Considerations**

8.3.2 Somerset Mineral Plan Policy SD1 and South Somerset Local Plan (LP) policy SD1 are broadly the same and reflect the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF). The policies seek to secure development that improves the economic, social and environmental conditions in the area.

8.3.3 The proposal to quarry the application site, to the north east of Bowden's Lane, will ensure that the economic viability of the operation is preserved. This will in turn help to secure the continued employment of staff at the site which represents a social benefit. It will also provide local stone upholding the local character of future developments in the area in accordance with local construction design policy, particularly in the case of listed buildings material requirements.

8.3.4 The proposal would have broadly similar environmental effects to those associated with the extant permission.

8.3.5 Somerset Mineral Plan Policy SMP5 (Proposals for the extraction of building stone) of the Somerset Minerals Plan states that planning permission will be granted subject to the application demonstrating that:

- a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and*
- b) there is an identified need for the specified stone; and*
- c) the nature, scale and intensity of the operation are appropriate to the character of the local area; and*
- d) the proposal includes measures to mitigate to acceptable levels adverse*

*impacts on the environment and local communities.*

- 8.3.6 The need for the remaining reserve of blue and white lias stone is demonstrated by the continued operational activity at the site.
- 8.3.7 The sale of this surplus waste stone as a secondary aggregate would also have the added benefit of reducing the amount of stone that would otherwise need to be imported to the local area and reduce pressure of supply as a primary aggregate.
- 8.3.8 For the reasons above it is considered that the proposal represents sustainable development and is in accordance with Mineral Plan Policy SD1, SMP 5 and Local Plan Policy SD1.

#### **Impact of the Proposal on Archaeological Remains**

- 8.3.9 Archaeological remains including a Roman bath, corn drier and other structures have been discovered within the extraction area that was permitted by the previous planning permission reference 14/04248/CPO. The remains have been deemed to be of national importance and interest.
- 8.3.10 South West Heritage Trust have been consulted in respect of the proposals and note that findings need to be investigated and recorded, and it is considered that this can be achieved through a condition attached to the planning permission. It is agreed that the suggested condition is appropriate in all planning respects.
- 8.3.11 In summary, it is considered that there is a net gain associated with the proposal in archaeological terms, given that it will put in place safeguards to protect any further remains discovered at the proposed site.

#### **Impact of the Proposal on Water Resources**

- 8.3.12 Mineral Plan Policy DM4 requires proposals for mineral development to demonstrate that they would not have an unacceptable adverse impact on the future use of water resources, which in this instance would be the quality of any ground water resource, or on drainage and flood risk to people, property or business. Local Plan Policy EQ7 requires that development that would have an adverse effect on water quality must be mitigated to reduce that effect to an acceptable level.
- 8.3.13 As in the case of the existing extraction site to the south of Bowden's Lane, the proposed quarrying will be above the water table and will not breach the Westbury Mudstone Formation. It would appear that there is little, if any, possibility of this occurring, given that the white and blue lias stone is located above this formation; however, a condition will be attached to the planning permission requiring that extraction shall not extend into the Westbury Mudstone Formation. This will ensure that water quality will be adequately safeguarded.
- 8.3.14 The Environment Agency has been consulted in respect of the application. The Agency has confirmed that there is no objection to the proposal, subject to informatives being attached to the permission in relation to groundwater protection and Environmental Permitting. It is agreed that the informatives will be attached to the permission.

8.3.15 Given the geological make-up of the local area, and that the quarry floor will always be some metres above the water table with an impermeable layer of mudstone between the two, it is considered that the proposal is in accordance with Mineral Plan Policy DM4 and Local Plan Policy EQ7.

### **Impact of the Proposal on Landscape Character and Visual Amenity**

8.3.16 Mineral Plan Policy DM1 requires that permission for mineral development will not generate unacceptable adverse impacts on landscape and visual amenity, and that measures will be taken to mitigate to acceptable levels any such adverse impacts.

8.3.17 Being located at the level top of a hill, there are few long-distance views of the quarry from the surrounding countryside. For local views from nearby roads, the site is generally well screened by existing boundary vegetation to the northern, southern and western site boundaries.

8.3.18 A condition was attached to the previous planning permission requiring the retention of the existing boundary trees and hedgerows, and their replacement when required. It is considered appropriate to attach this condition to the current planning permission.

8.3.19 In summary, and for the reasons discussed above, it is considered that the proposal is in accordance with Mineral Plan Policy DM1.

### **Impact of the Proposal on Residential Amenity – Noise and Dust**

8.3.20 Mineral Plan Policy DM8 seeks to protect local amenity from adverse impacts, which in this instance would be noise and dust, from mineral development. Local Plan Policy EQ7 likewise requires impacts from noise and dust to be mitigated to acceptable levels, either by measures included in the proposal or by the imposition of planning conditions.

#### Noise

8.3.21 The proposal would result in quarry working being closer to the nearest dwelling, known as Pontiwel, than has previously been approved. Somerset County Council's Acoustic Specialist notes that, whilst the distance to Pontiwel would increase, further, prevailing westerly winds will reduce the impact in some instances, as will the greater depth of quarrying as time goes by.

8.3.22 The Acoustic Specialist concludes that noise generated by site preparation and initial surface working would likely be audible at several residential locations, however it would not be expected to exceed an Leq(1 hour) level of 50dB(A). Later this would become periodic and would be expected to be below 45dB(A), reducing further as working depth increases. This is considered to fall within the NPPF description of 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life'.

8.3.23 Taking account of the above, it is agreed that the noise effects associated with the proposal are not significant such that planning permission should be withheld on this

basis. The Acoustic Specialist has recommended a number of conditions, and it is agreed that they are wholly appropriate to ensure that noise will be mitigated to an acceptable level.

#### Dust

8.3.24 A condition was attached to the planning permission relating to the extraction area to the south of Bowden's Lane requiring the implementation of the Scheme for the Assessment and Mitigation of Dust. The application asserts that dust has not been a problematic issue in the past, and there is no reason for the MPA to dispute this claim. As such, it is agreed that dust can be effectively controlled by the imposition of the same condition that was attached to the previous planning permission. The condition includes a mechanism to deal with any complaints that are received in relation to this issue, and so it is considered that there is sufficient flexibility to enable the mitigation scheme to be amended in the future in the event that dust does become a more problematic issue.

8.3.25 With conditions in place for dust mitigation and those proposed for noise levels it is considered that the proposal accords with Mineral Plan Policy DM8 and Local Plan Policy EQ7.

#### **Impact of the Proposal on Biodiversity**

8.3.26 Mineral Plan Policy DM2 states that proposals for mineral extraction must not generate unacceptable adverse impacts upon biodiversity or geodiversity. Local Plan Policy EQ4 requires development to protect the biodiversity value of land and maximise opportunities for restoration, enhancement and connection of natural habitats.

8.3.27 The proposal will necessitate the removal of part of the hedgerow at this boundary to form the vehicular access to the site. A condition will be attached to the planning permission requiring the provision of five metre buffers, as well as requirements relating to the strimming and clearing of the haul road and bank areas.

8.3.28 In addition to the above, it is noted that the Aller Hill SSSI is located to the south of the extraction site to the south of Bowden's Lane. Given that the proposal will continue to move the extraction area to the northern side of Bowden's Lane, further away from the SSSI, and there was no concern raised in respect of the impact of the previous permission on the SSSI, there are no concerns in relation to the impact of the current proposal.

8.3.29 Taking account of the above, it is considered that the proposal accords with Mineral Plan Policy DM2 and Local Plan Policy EQ4.

#### **Impact of the Proposal on the Highway Network**

8.3.30 Mineral Plan Policy DM9 requires permission for minerals development to be served by a suitable road network.

8.3.31 The access to Bowden's Lane Quarry which has been approved under the earlier permission will continue from White Hill into the quarrying operations and processing

building. Vehicles will then pass through a new gated access into the northern extension providing a direct crossing across Bowden's Lane, allowing vehicles to access the application site via the existing haul road. Somerset County Council's Planning Liaison Officer has confirmed that there is no objection to this proposed arrangement, subject to a condition requiring that the gates to the access open into the site, to ensure that they do not overhang the public highway. This condition will be attached to the permission.

8.3.32 It is noted that there is no proposed increase in the number of vehicle movements associated directly with this application.

8.3.33 Taking account of the above, it is considered that the proposal accords with Mineral Plan Policy DM9.

### **Concluding Comments**

8.3.34 The above assessment considers the proposal in the context of the relevant policies of the Development Plan and other material considerations. It is clear that the effects associated with the development can be appropriately mitigated either through the design of the proposal or the imposition of conditions to make the proposal acceptable in planning terms. Having reviewed the previous planning permissions relating to the operation, it is evident that the effects will be broadly similar in nature and extent.

8.3.35 It should be noted that no significant objections have been received from statutory consultees. The issues raised by the members of public relate primarily to the capacity of local road network. This particular application does not directly increase vehicle movements, and it is considered that those concerns are better addressed in the section 73 application (SCC/3721/2020) also due for Members' consideration at this meeting which proposes to increase permitted output from 3,000 tonnes per year to 21,000 tonnes per year. If Members choose not to approve that application, it will be necessary to amend the proposed Condition 7 below to refer to a maximum annual output of 3,000 tonnes to ensure consistency.

8.3.36 Taking account of the above, it is concluded that the proposal is in accordance with the Development Plan for the reasons discussed, and it is therefore recommended that planning permission be granted with conditions attached.

## **9. Recommendation**

9.1 It is recommended that planning permission be GRANTED subject to the imposition of 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 & Development.

### **TIME LIMIT – (DURATION OF PERMISSION)**

1. This permission shall be limited to a period expiring on 30 April 2047. Winning and working of minerals shall cease on or before 30 April 2042.

Reason: To ensure that the site is reclaimed to a satisfactory afteruse within a defined period of time.

#### COMPLETION IN ACCORDANCE WITH THE APPROVED DETAILS

2. The development hereby permitted shall be carried out in strict accordance with the approved plans:
  - Bowdens Lane Northeastern Extension - Planning Statement v1.0.
  - Appendix A Geophys Report October 2016
  - Appendix B - Approved WSI dated 7th February 2018
  - Appendix C - Dust Assessment and Mitigation Scheme JS/v2.0 6 dated 9 February 2017
  - Appendix D - Ecological Appraisal (MEC, 27 April 2020)
  - Appendix E - Flood Risk Assessment v1.0 OL/v1.0 dated 15/05/2020
  - Appendix F - Access Details - Details Pursuant to Conditions 11 & 34 of Planning Permission 17-01217-CPO
  - Appendix G - LVIA Amended April 2017 ref: 16.454 November 2016
  - Location Plan no. 21331-G12
  - Phase 4 - Working Plan no. 21331-G13
  - Phase 5 - Working Plan no. 21331-G14
  - Phase 6 - Working Plan no. 21331-G15
  - Proposed New Access no. 21331-500- G11
  - Restoration Plan no. 21331-G16
  - Sections Plan no. 21331-G17
  - Topographic Survey no. 21331-500- 01

and with any scheme, working programme or other details submitted to and approved in writing by the Mineral Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the Mineral Planning Authority to deal promptly with any development not in accordance with the approved plans or other submitted details.

#### DUST CONTROL AND MITIGATION

3. The Dust Assessment and Mitigation Scheme submitted as Appendix C to the Supporting Statement shall be implemented for the duration of the development hereby permitted. Any complaints received regarding dust emanating from the quarry shall be reported to the Mineral Planning Authority within seven working days of receipt of such a complaint, along with details of measures to be instigated to mitigate against further such complaints. The site diary referred to in the approved scheme shall be made available (on site) to the Mineral Planning Authority at any reasonable time upon request.

Reason: To minimise the impacts of dust in the interest of local amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

## BOUNDARY TREES AND HEDGEROWS

4. The existing boundary trees and hedgerows shall be retained for screening purposes unless removal is authorised in writing by the Mineral Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations hereby permitted shall be replaced with trees or bushes of similar species (of an appropriate size and suitable species fit for purpose) in the planting season following any such occurrences.

Reason: In the interests of visual amenity, landscape and biodiversity in accordance with Policy DM8 of the Somerset Minerals Plan.

## HOURS OF WORKING

5. No operations hereby permitted shall be carried out except between the hours of 07:30 and 18:00 Mondays to Fridays and 07:30 to 13:00 on Saturdays. No operations other than servicing, testing and maintenance of plant shall be carried out on site between 13:00 hours and 17:00 hours on Saturdays. No work shall be carried out on Sundays and Bank or Public Holidays.

Reason: To limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

## RESTRICT MATERIAL REMOVED FROM SITE

6. No material other than building stone, walling stone, blocks of stone for masonry working and crushed stone for agricultural tracks, yards and similar purposes shall be removed from the site. All other materials shall be retained for use in the construction of the screen bunds and in the reclamation of the excavations. Stone shall not be taken from site as a bulk fill. There shall be no retail sales from the site.

Reason: In the interests of residential amenity and highway safety and to enable efficient operation of the quarry in accordance with Policy DM8 and DM9 of the Somerset Minerals Plan.

## OUTPUT LIMIT

7. Within any one calendar year, the total output of the extension to the quarry hereby permitted and the existing quarry area previously permitted shall not exceed 21,000 tonnes of stone.

Reason: In the interests of residential amenity of the area and highway safety by virtue of restricting the vehicle movements associated with quarry working; and to manage the efficient use of finite natural resource in the interest of historic heritage in accordance with Policy DM8 and DM9 of the Somerset Minerals Plan.

## RECORD OF OUTPUT

8. The operator shall maintain records of their monthly output and shall make them available to the Mineral Planning Authority at any reasonable time on request. All records shall be kept for at least a rolling 24 months period.



Reason: In order that the Mineral Planning Authority can monitor the output of the site in accordance with Policy DM8 and DM9 of the Somerset Minerals Plan.

#### DEPTH RESTRICTION

9. Extraction shall not extend into the underlying Westbury Mudstone.

Reason: In the interests of protection of groundwater resources in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

#### VEHICULAR ACCESS

10. All lorries travelling to or from the application site shall do so using the vehicle link across Bowden's Lane indicated on drawing 21331-500-G11. No lorries associated with the application site shall travel along Bowden's Lane, and access to the public highway at White Hill shall be obtained using the vehicular access and internal haul road indicated on drawing 10240-004-2B approved under planning permission 11/02619/CPO. The operator shall maintain the southern quarry site road to retain a level running surface over a length of 150m from the south-eastern site entrance. This haul road shall be maintained to ensure a level running surface over a length of 150m from the south-eastern site entrance.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Somerset Minerals Plan.

#### ENTRANCE GATES

11. Any entrance gates erected shall be hung to open inwards, and shall thereafter be maintained in such condition at all times.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Somerset Minerals Plan.

#### CONSOLIDATION OF DRIVEWAY

12. Prior to the extraction and removal of the Lias limestone, the driveway between the edge of the carriageway and the entrance gates(s) shall be constructed of a 150mm layer of indigenous crushed stone, consolidated by compacting with a vibrating roller or similar plant and stabilised with the addition of a cementitious binder to ensure that the stone is not loose. Once constructed, the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Somerset Minerals Plan.

#### DISPOSAL OF SURFACE WATER

13. To prevent the discharge of surface water from the site onto the highway, no point on the access on both sides of Bowden's Lane shall be higher than the existing edge of Bowden's Lane.

Reason: In the interests of highway safety in accordance with Policy DM9 and Policy DM4 of the Somerset Minerals Plan.

#### ACCESS GRADIENT

14. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed, the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Somerset Minerals Plan.

#### VISIBILITY SPLAYS

15. There shall be no obstruction to visibility greater than 2 metres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearest carriageway edge 43 metres either side of the access. Such visibility shall be fully provided prior to the commencement of the use hereby permitted and shall thereafter be maintained at all times. The access shall not be used by cars or light vehicles for the duration of the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy DM9 of the Somerset Minerals Plan.

#### PREVENTION OF MUD AND DEBRIS ON THE HIGHWAY

16. No vehicle shall enter the public highway unless their wheels and chassis are clean to prevent mud and dust being carried from the site and deposited on the public highway.

Reason: In the interests of highway safety and public amenity in accordance with Policy DM8 and DM9 of the Somerset Minerals Plan.

#### POLLUTION PREVENTION

17. Any fuel, oil, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourses or aquifers. Any above ground oil/chemical storage tanks shall be surrounded by an impervious bund and integral base with a retention capacity of at least 110% of the largest tank within the bunded area.

There shall be no working connections outside the bunded area.

Reason: To minimise the risk of pollution of watercourses and aquifers in accordance with Policy DM4 and DM8 of the Somerset Minerals Plan.

#### NO WASTE TO BE DEPOSITED ON THE SITE

18. No waste shall be deposited within the site other than quarry waste arising from within the site and any remnant offcuts of imported stone.

Reason: To minimise pollution to watercourses and in the interest of visual amenity in accordance with Policy DM4 and DM8 of the Somerset Minerals Plan.

#### EXTERNAL LIGHTING

19. There shall be no external lighting installed or used on site until such time as a lighting scheme, designed to reduce wherever possible light spillage outside the area it is intended to serve and into the night sky, and such that it shall not deter bats from using local networks of hedges to feed or commute to feeding areas, including details of number, height, position, direction of illumination, brightness, cowling, and proposed hours of illumination of any external lighting units, has been submitted to and approved in writing by the Mineral Planning Authority. Any external lighting whenever it is used on site shall be operated and maintained in strict accordance with the approved scheme for the duration of the development hereby permitted.

Reason: In the interests of visual amenity, residential amenities and ecological interests of the area in accordance with Policy DM1, Policy DM2 and DM8 of the Somerset Minerals Plan.

#### NOISE LIMIT

20. Noise arising from extraction and instances of waste stone recovery shall not exceed an Leq(1hour) level of 48dB(A) when assessed as a free field noise level within 10m of the residential properties named as Pontiwell and Homestead Farm.

Noise arising from preparatory works during the development of the extension area, including the construction of screen bunds, shall not exceed an Leq (1hour) level of 50dB(A) when assessed as a free field noise level within 10m of the residential properties currently named as Pontiwell and Homestead Farm. The duration of these operations shall not exceed 8 weeks in any year.

Reason: In the interests of residential and public amenity to limit the level of typical noise arising during bouts of stone extraction, stone recovery and facilitate phased site development in accordance with Policy DM8 of the Somerset Minerals Plan.

#### COMPLAINT RECORDING AND ACTIONS

21. The operator shall maintain records of any noise complaints associated with the site activities and any actions taken as a result of such complaints, for the duration of the development hereby permitted. The records shall be made available to the Mineral Planning Authority at any reasonable time upon request.

Reason: In the interests of recording and addressing issues associated with residential amenity in accordance with DM8 of the Somerset Minerals Plan.

#### NOISE CONTROL MEASURES

22. All plant used on site shall be effectively silenced to manufacturer's specifications and all noise control measures shall be maintained to their design specification for the duration of the development hereby permitted.

Reason: In the interests of safeguarding residential and public amenity in accordance with DM8 of the Somerset Minerals Plan.

#### REVERSE WARNING DEVICES

23. All reverse warning devices to be used on site-based plant shall be broadband devices or similar and designed to minimise noise disturbance.

Reason: In the interests of safeguarding residential and public amenity in accordance with DM8 of the Somerset Minerals Plan.

#### NOTIFICATION OF EXTRACTION OPERATIONS TO BOWDENS RIDING SCHOOL

24. The operator shall provide the owner of the Bowden's Riding School with at least seven days' written notice of the occurrence of site preparatory work and subsequent periods of stone extraction activities within the agreed separation area and shall maintain records of the notice provided. The records shall be made available to the Mineral Planning Authority at any reasonable time upon request.

Reason: To allow for horses not acclimatised to quarrying activities to be suitably protected in accordance with DM8 of the Somerset Minerals Plan.

#### MINERAL PROCESSING

25. There will be no dimension stone processing operations undertaken within the extension area.

Reason: In the interests of residential amenity in accordance with DM8 of the Somerset Minerals Plan.

#### EXTRACTION METHOD

26. Stone extraction, stone movement and the working scheme within the quarry shall only be undertaken in accordance with paragraphs 2.2 to 2.9 of the Supporting Statement dated 25 April 2020 submitted with this application.

Reason: In the interests of residential and public amenity in accordance with D8 of the Somerset Minerals Plan.

#### IMPORTATION

27. There shall be no importation of materials for the purpose of infilling of the quarry void.

Reason: In the interests of residential and public amenity and highway safety in accordance with DM8 and DM9 of the Somerset Minerals Plan.

#### STOCKPILING

28. Stockpiles of waste and extracted stone shall be no higher than the surrounding bunds.

Reason: In the interests of visual amenity and landscape in accordance with DM1 of the Somerset Minerals Plan.

#### DRAINAGE

29. There shall be no pumping of water from the site.

Reason: In the interests of protection of the local water environment in accordance with DM4 of the Somerset Minerals Plan.

#### SURFACE WATER

30. There shall be no increase in surface water run-off from the site as a result of this development.

Reason: In the interests of flood prevention in accordance with DM4 of the Somerset Minerals Plan.

#### WITHDRAWAL OF PERMITTED DEVELOPMENT RIGHTS

31. Notwithstanding Part 17 Classes A, B and C of the Town & Country Planning (General Permitted Development) (England) Order 2015, or any order amending or replacing that Order, no fixed plant, machinery, buildings, structures or erections shall be erected, installed, extended, rearranged or replaced within this application site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of visual amenity in accordance with DM1 of the Somerset Minerals Plan.

#### RESTORATION SCHEME

32. Within 10 years of the date of this permission, a detailed progressive restoration and aftercare scheme for grassland afteruse to promote biodiversity including plans and sections for the profiling and surface treatment of the quarry shall be submitted to the Mineral Planning Authority for written approval. The scheme shall incorporate the methodology of any landscaping operations; and include the protection, provision and maintenance of existing and new landscaping (not hard surfaces) within the boundary of the site. In particular the scheme shall include proposals for: -
- i) creation and maintenance of grassland for biodiversity interest;
  - ii) retention and maintenance of a representative area of geological exposure to provide opportunities for geological study;
  - iii) details of drainage;
  - iv) a programme of implementation (including any phasing and the timetable for landscaping to be carried out); and
  - v) details of five years aftercare.

The restoration and aftercare scheme shall be implemented in accordance with the approved details.

(Note: Be advised that if you submit a Restoration and Aftercare Scheme which in the opinion of the planning authority cannot reasonably be approved, or if the planning authority fail to determine the application for approval of the restoration and aftercare scheme within 8 weeks of receiving the scheme [under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015] or such longer period as may have been agreed in writing with the planning authority, then you may lodge an appeal within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, you will be in breach of condition).

Reason: To ensure appropriate reclamation of the site in the interest of the visual amenities of the area, biodiversity and geodiversity in accordance with DM1 and DM2 of the Somerset Minerals Plan.

### RESTORATION ON PREMATURE CESSATION

33. Upon the permanent cessation of mineral working, construed in accordance with the meaning contained in paragraph 3(2) of Schedule 9 to the Town and Country Planning Act 1990, the site shall be restored in accordance with the restoration and aftercare scheme which shall have been approved by the Mineral Planning Authority under condition 31 above. Where the scheme previously approved under condition 31 above cannot be fully implemented or no such scheme has been approved, a revised restoration and aftercare scheme for grassland afteruse to promote biodiversity of areas of the quarry which have not previously been restored or have not completed their five year aftercare period, shall be submitted to the Mineral Planning Authority for written approval within 3 months of the anniversary of the permanent cessation of mineral working.

The revised scheme shall incorporate the methodology of any seeding, landscaping operations; and include the protection, provision and maintenance of existing and new landscaping within the boundary of the site. In particular the scheme shall include proposals for:

- i) details of final restoration levels;
- ii) details of surface treatment in particular: -
  - a) creation and maintenance of grassland for biodiversity interest;
  - b) retention and maintenance of a representative area of geological exposure to provide opportunities for geological study;
- iii) details of drainage;
- iv) a programme of implementation (including any phasing and the timetable for landscaping to be carried out); and
- v) details of five years aftercare.

The restoration and aftercare scheme shall be implemented in accordance with the approved details.

(Note: Be advised that if you submit a Restoration and Aftercare Scheme which in the opinion of the planning authority cannot reasonably be approved, or if the planning authority fail to determine the application for approval of the restoration and aftercare scheme within 8 weeks of receiving the scheme [under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order

2015] or such longer period as may have been agreed in writing with the planning authority, then you may lodge an appeal within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, you will be in breach of condition).

Reason: To ensure appropriate reclamation of the site in the interest of the visual amenities of the area, biodiversity and geodiversity in accordance with DM1 and DM2 of the Somerset Minerals Plan.

#### SURFACE WATER DRAINAGE

34. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provision must be made to ensure that all existing drainage systems continue to operate effectively.

Reason: In the interests of the local water environment in accordance with DM4 of the Somerset Minerals Plan.

#### FEATURES OF ARCHAEOLOGICAL INTEREST AND / OR IMPORTANCE

35. The development shall be carried out in accordance with the details approved on 07/06/2018 entitled Written Scheme of Investigation Appendix B of the application documents.

Reason: To ensure the protection of features of archaeological interest and / or Importance in accordance with Policy DM3 of the Somerset Minerals Plan.

#### PROTECTION OF PROTECTED SPECIES AND BIODIVERSITY

36. Between March and October prior to working in the extraction area, the haul road and the subsoil bank of the old quarry entrance any vegetation should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land in the active period. A temporary demarcation will be erected and maintained at 5 metres from hedgerows to a minimum of 2 metres for the haul road during site clearance / soil stripping works to ensure the roots of hedgerows are not harmed.

Reason: In the interests of protected species and biodiversity in accordance with Policy DM2 of the Somerset Minerals Plan.

### **10. Relevant Development Plan Policies**

- 10.1 The following is a summary of the reasons for the County Council's decision to approve 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 Minerals Plan (Adopted 2015)*

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

- SD1: Presumption in favour of sustainable development
- SMP1: Provision of recycled and secondary aggregates
- SMP5: Proposals for the extraction of building stone
- SMP8: Site reclamation
- DM1: Landscape and visual amenity
- DM2: Biodiversity and geodiversity
- DM3: Historic environment
- DM4: Water resources and flood risk
- DM5: Mineral extraction below the water table
- DM7: Restoration and aftercare
- DM8: Mineral operations and the protection of local amenity
- DM9: Minerals transportation
- DM12: Production limits and cumulative impacts

*South Somerset (2006-2028) (Adopted 2014)*

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

- SD1 - Sustainable Development
- TA5 - Transport Impact of New Development
- EQ2 - General Development
- EQ4 - Biodiversity
- EQ7 - Pollution Control

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

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 Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The 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.