

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

Application SCC/3721/2020
Number:
Date Registered: 19 May 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 (01392 383000)
Description of Application: Variation of Condition 7 of permission 17/01217/CPO to increase annual output to 21,000 tonnes of stone.
Grid Reference: Easting - 341636, Northing - 128672
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(s)

1.1 The application relates to a variation of Condition 7 of permission 17/01217/CPO to increase annual output to 21,000 tonnes of stone at an existing quarry. The main issues for Members to consider are:

- planning policy considerations;
- 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.

2.2 The original quarry permission covers an area south of Bowden's Lane of approximately 2.2ha, operated under permission 11/02619/CPO which was granted in September 2011. This permitted area consists of the extraction area itself, a stone processing building with hardstanding and an access track. The track runs along the northern edge of a grassland field lying east of the quarry. It provides a route from the quarry and processing building to the site access on White Hill, approximately 230m to the east.

2.3 An extension was granted under permission 14/04248/CPO in September 2014 of approximately 1.5 hectare to the south of the site. This area was not worked due to archaeological interests in the area. A further extension was granted under permission 17/01217/CPO in February 2017 of a further 1.7 hectare to the north of Bowden's Lane.

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

2.5 Bowden's Lane is a country lane serving about eight properties including residences, farms, kennels/cattery and a touring caravan site, but carries no through traffic. 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 determined at Regulation Committee on 2 February 2000 when 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 was 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 non-compliance 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 1 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 conditions 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 1.5ha eastward extension to the quarry. Conditions included Ooutput 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 be submitted in 2028.
- 3.8 Application SCC/3723/2020 – an application was submitted to the Mineral Planning Authority on 17 June 2020 that seeks to extend the existing quarry to the north of Bowden's Lane in a north eastern direction to increase the site area by 2.9 hectares. A separate report on that application is included on the Committee agenda.

4. The Proposal

- 4.1 At present extraction operations take place to the north of Bowden's Lane (Northern Extension) under planning permission ref: 17/01217/CPO dated 24/01/2018.
- 4.2 Following extraction, stone is taken to the south across Bowden's Lane road for processing in the original quarry area, which operated under planning permission ref: 14/04247/CPO dated 5 June 2015.
- 4.3 The Northern Extension quarry void is to be restored to original ground levels through backfilling the void with waste stone and offcuts. However, the applicant states that the volume of usable building stone within the quarry is less than originally anticipated meaning that, through extraction and processing of the stone, significant volumes of waste stone are produced. Volume calculations provided with the application indicate that the volume of waste stone will exceed the volume of the quarry void by 45,135m³, equivalent to around 70,000 tonnes.
- 4.4 Condition 6 of planning permission 17/01217/CPO permits waste stone to be crushed and sold for agricultural tracks, yards and similar purposes; however, Condition 7 limits output of the quarry in general stating:

"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 3000 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"

- 4.5 The applicant's planning statement indicates that, due to this restriction, excess waste cannot be sold fast enough leading to a significant build up at the quarry which, in turn, compromises the safe and efficient running of the quarry. This excess material is also said to impact compliance with Condition 27 which requires that stockpiles of waste and stones to remain below surrounding bunds in height.

- 4.6 The application therefore proposes to amend condition 7 as indicated below to allow a maximum output of 21,000 tonnes per annum - an increase of 18,000 tonnes in comparison with the current condition:

“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”

- 4.7. Approving this application is estimated by the applicant to increase HGV activity at the existing quarry site to four loads per day (eight movements), six working days per week, 50 working weeks per year. The current restriction limits the HGV activity to one load per day (two movements), so the net increase would be three loads per day (six movements).

5. The Application

- 5.1 Plans and documents submitted with the application

- Application form and fee
- Location Plan
- Planning Statement dated 20/05/2020

6. Environmental Impact Assessment (EIA)

- 6.1 The Town and Country (Environmental Impact Assessment) Regulations 2017 refer to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded as ‘EIA development’ and trigger EIA procedures. For Schedule 2 development, consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.
- 6.2 The increase in movements associated with this application does not fall directly fall within the scope of extractive industry within Schedule 1 of the 2017 EIA Regulations. While paragraph 13(b) of Schedule 2 includes changes or extensions to a development listed in that Schedule, 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 objection.

- 7.2 **Huish Episcopi Parish Council**

No comments received.

7.3 **Aller Parish Council**

No comments received.

7.4 **Environment Agency**

The Environment Agency offers no objection to the variation of condition subject to the following advice:

“Groundwater Protection

We agreed to the previous application on the basis that the proposed workings will remain above the water table and will not breach the Westbury Mudstone Formation. This is still required as the low permeability mudstone provides a degree of protection to the underlying aquifer that supplies a number of nearby abstractions.”

Internal Consultees

7.5 **Highways Development Management**

The application in 2017, whilst limited to 3000 tonnes per year, stated in the details a maximum of 8 lorry movements per day (4 vehicle trips) could be generated.

The Highways Authority officer who assessed the details made note in the recommendation that this level of vehicle movement was acceptable in this area and would not create a highway safety or efficiency issue even with the addition of the campsite traffic.

The current application states that only 1 vehicle per day accesses the site (2 movements), and this proposal would only generate a further 6 movements (3 trips) bringing the level of traffic up to that already accepted under previous assessments.

Having already been through those assessments in the recent past and stated that this level of traffic was acceptable, I am not sure now that changing the stance and offering a recommendation of refusal could be sustained were the developer to submit an appeal to the Planning Inspectorate.

7.6 **County Acoustics Specialist**

The present consent was based on an expectation for minimal export of crushed product (due to other conditions limiting output of stone from the quarry) and greater separation distance. Also a noise limit determined appropriate to enable a consent for a particular set of operational circumstances, is in my view, not automatically applicable to a different set of circumstance because the initial consent will have taken account other factors such as the expectation and duration of noise during the operational life of the development. In other respects a noise limit cannot be taken to represent a threshold between acceptable and unacceptable noise impact in the absence of other considerations. Finally as little information has been provided on past or future crusher / screening operations, it is difficult to discount consideration of more intensive activity simply on the absence of residential response to date.

In my view, and in the absence of earlier information from the applicant, there remained a risk that future crusher use could give rise to an ‘Observed Adverse Effect’. Surface operation of such plant could result in distinctive noise that within 250m could exceed the existing noise limit and at greater separation the increased duration of noise at lower levels could still appear distinctive. In my view this situation

is sufficient to justify the MPA ensuring that noise impacts are mitigated as far as possible. In my view these risks of increased noise impact are not removed by the presence of the existing noise condition, nor allayed by an indication that previous bouts of crusher operation have appeared acceptable to the residents of Pontiwell. As such planning has a requirement to either fully understand the consequence of both applications on the crushing and screening operations and be satisfied that No Observed Adverse Effect will arise under the detail of the application or provide committee assurance that resulting noise from this activity is to be 'mitigated and reduced to a minimum' as required under PPGN by the conditions of the consent.

The agent now indicates "*Crushing plant is, and will be, used within the northern void as required. This allows the quarry face to act as additional acoustic screening. The plant is moved around the void and positioned as required.*" While this statement might provide some confidence to planning that crusher operations are likely to occur in the base of the quarry, with good levels of acoustic screening, the term "as required" will always leave this in some doubt. The mitigation of noise from the crushing and screening operations, and indeed other quarry operations, could be formalised into an accepted scheme of noise mitigation. This can allow the operator to identify operational constraints yet provide better assurance that the measures detailed can be undertaken. This information is helpful in demonstrating noise will be 'mitigated and reduced to a minimum' and help the MPA to respond noise complaints that require investigation. Alternatively, more specific planning conditions might be applied to the existing consent (should consent be issued).

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 a 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 Pontiwell. 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.

Public Consultation

7.7 Five representations have been received from members of the public, the main points of which are summarised below:

- criticism of the nature of the application and piecemeal expansion of the site;
- original planning permission (14/04247/CPO, 05/06/2015) was for two movements per day, one into and one out from the quarry. Planning permission was then granted; for an expansion of the quarry to the fields north of Bowden's Lane (17/01217/CPO, 24/01/2018), and now application for variation (17/01217/CPO/Cond7, 30/04/2020). Permission to operate the quarry extends to 2042. More requests will escalate activities and increase the ingress and egress. Case of expansion by stealth. Concern that the operation should be constrained now or it will further threaten the local environment and the safety of residents and other road users.
- concern that the application did not undergo due advertising and inadequate timeframe to view plans;
- unsustainable increase of quarrying activities at the site;
- this road is 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;
 - ends of White Hill are not intervisible so any vehicle entering the road stands a good chance of meeting a vehicle coming in the opposite direction or deep ditch makes passing dangerous.
 - lane is used by walkers, cyclists, and a local stable for exercising horses.
 - vehicles descending any steep hill would give way to vehicles ascending. requiring reversing down the hill exposing itself to main road traffic travelling legally at 60mph along the main road or entering the lane to Wearne.
 - Wearne is subject to a 30mph restriction however the majority of vehicles do not slow down.
 - neighbouring caravan park is applying to increase in capacity which will increase the number of cars and commercial traffic resulting in more conflicting traffic movements.
 - White Hill has an history of flooding especially when sides of ditches are collapsed by oversized traffic or the surface water drains are silted up by disturbed soil or silt. This is particularly dangerous in winter when the road junction is covered in ice.
 - 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 main issues for Members to consider are:

- planning policy considerations;
- 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 Plan (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 Minerals Plan Policy SMP1 states that the Authority will support the supply of recycled and secondary aggregates including (but not limited to) high quality recycled aggregates subject to the development being in appropriate locations.

8.3.3 This application allows the sale of this surplus waste stone as a secondary aggregate which has 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. This consideration weighs significantly in favour of the application.

8.3.4 The nature, scale and intensity of the operation are deemed appropriate subject to conditions.

8.3.5 The Minerals Plan includes a range of other policies that address the impacts and opportunities of mineral working and, where relevant to the development being proposed, these are addressed in the following sections of the report.

8.3.6 For the reasons above it is considered that the proposal represents sustainable development and is in accordance with Minerals Plan Policy SMP1 and Local Plan Policy SD1.

8.4 Highways Impacts

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

- 8.4.2 The existing access arrangements for Bowden's Lane Quarry (i.e. between the extraction and processing areas across Bowden's Lane, and from the processing area to White Hill0, which have been approved under the earlier permissions, will continue to be used to provide access to this part of the quarrying operations. Somerset County Council's Highways Liaison Officer has confirmed that there is no objection to this proposed arrangement. They have deemed the local road network to have adequate capacity and be safe in terms of the proposed increase in movements.
- 8.4.3 Taking account of the above, it is considered that the proposal accords with Minerals Plan Policy DM9.

8.5 Other Environmental Effects

- 8.5.1 Policy DM8 of the Somerset Minerals Plan states that:

"Planning permission will be granted for mineral development subject to the application demonstrating:

- (a) that the proposed development will not generate unacceptable adverse impacts on local amenity;*
- (b) measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:
 - (i) vibration;*
 - (ii) dust and odour;*
 - (iii) noise; and*
 - (iv) lighting.**
- (c) how the applicant intends to engage with local communities during the operational life of the site."*

- 8.5.2 The relaxing of the output restriction to allow 21,000 of stone per annum to be removed at Bowden's Quarry, has the potential to cause adverse impacts on the local community and environment through the generation of noise, vibration, dust from increased traffic. However, the existing permission provides a range of conditions to control and mitigate these effects, including limitations on hours of working, noise, and lighting.
- 8.5.3 The County Council's acoustics specialist has reviewed the existing noise conditions imposed and raised a number of queries. The applicant responded that:
- "The site already has planning permission for crushing as well as a noise limit enforced by planning condition. There is no limit, either in the planning permission or insinuated through Planning Practice Guidance, on the frequency or duration of the crushing (and associated noise) as long as it continues to meet the noise limits set out in the planning permission. Furthermore, crushing had previously taken place much closer to the property and had been deemed acceptable."*
- 8.5.4 The applicant also confirmed that they are happy to retain the existing conditions in terms of advance notice to the stables and retaining the condition relating to reversing alarms.

- 8.5.5 They state that the reverse crusher will need to be active for around 32 days per year, based upon a seven hours' working day. However, when active the crusher is in use for less than 8 hours per day, meaning 18,000 tonnes can be crushed in 28 days (at 80 tonnes/hour). They also confirmed that the crushing plant is to remain being used within the northern void as required, allowing the face to act as additional acoustic screening.
- 8.5.6 The variation of Condition 7 as applied for will not alter the nature of the potential impacts of quarry working given that the effect of this variation will be to change the output limit.
- 8.6.7 This application does, however, provide the opportunity to update as necessary the conditions to reflect the schemes that have been submitted and approved since the application was approved in 2011. Taking account of the above, it is considered that the proposal accords with Minerals Plan Policy DM8.

8.7 Matters Raised in Objections

8.7.1 The representations from local residents referred to in paragraph 7.8 of this report suggest that this application contains inadequate information on the variation of the condition assessment of the suitability of Bowden's Lane to accommodate the increased traffic.

8.7.2 The Highways Planning Liaison Officer was asked to review the application in the light of the significant concerns raised in the objections, and commented:

"The proposal will increase the number of lorries using the local network. However, in an area of arable and livestock fields there is already a level of traffic associated with agricultural process (lambing or harvesting for example).

I understand the proposal will generate a net increase of 7 vehicles, which equates to less than one vehicle per hour, which could be considered less than the daily variance during the aforementioned agriculturally intense periods.

The concerns raised by the objectors make note of vehicles involved in accidents along the route, however, I have had a look at our data and only one collision is noted for the past five years, the cause of which was not, I understand, specifically to do with junction geometry.

Taking the above onto account, I do not consider a recommendation of refusal on highway grounds to be sustainable were an appeal to be submitted to the Planning Inspectorate."

8.7.3 As indicated above, the quarrying operations will remain in compliance with the conditions previously imposed.

8.8 Concluding Comments

8.8.1 It is suggested that Members note the intention for a further report to be made to the Committee on the applicant's proposal to seek an extension to the north east of 2.9ha. It would be open to the Council to decline to vary the Condition 7 output limit, in which case the planning permission may continue with the existing restriction to 3,000 tonnes per annum. However, it is considered that there have been no changes

within the site and its surroundings that would warrant the withholding of permission to allow additional output of stone.

- 8.8.2 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:
- Location Plan reference App.1 dated January 2017;
 - Supporting Statement titled 'Planning Statement for Variation of Planning permission ref: 17/01217/CPO to increase output' dated 30 April 2020

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 2 to the Supporting Statement for 17/01217/CPO 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 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 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 App. 2 approved under planning permission 17/01217/CPO or such alternative link that may replace it. 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. 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 prior to the extraction and removal of the Lias limestone. 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. For the avoidance of doubt the northern edge of Bowden's Lane is 71.66 m AOD and the southern edge of Bowden's Lane is 71.69m AOD.

Reason: In the interests of highway safety in accordance with Policy DM9 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 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 DM1 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 DM2 and DM1 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 Pontiwel 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 Pontiwel 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 Policy 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. Any plant associated with crushing and screening of stone shall be used at the base level of the quarry and positioned so as to minimise the propagation of noise towards dwellings.

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

EXTRACTION METHOD

26. Stone extraction and stone movement within the quarry shall only be undertaken in accordance with paragraph 5.4 of the Supporting Statement attached to permission 17/01217/CPO dated 9 February 2017.

Reason: In the interests of residential and public amenity in accordance with Policy DM8 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 Policy 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 Policy 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 Policy 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 Policy 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 Policy DM1 of the Somerset Minerals Plan.

RESTORATION SCHEME

32. Within 10 years of the date of permission 17/01217/CPO (granted on 09 February 2017), 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);
- 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 nondetermination. 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 Policy 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 Policy 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 Policy 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.

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 grant planning permission.

10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in the following documents.

Somerset Minerals Plan (Adopted 2015)

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

- SMP1: Provision of recycled and secondary aggregates
- SMP5: Proposals for the extraction of building stone
- 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
- 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 and Planning Practice Guidance.

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

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