

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

*Application Numbers:* SCC/3742/2020 & SCC/3748/2020

*Date Registered:* 19 August 2020

*Parish:* Nunney

*District:* Mendip

*Member Division:* Mendip Central and East

*Local Member:* Councillor Philip Ham

*Case Officer:* Andy Hill

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

*Description of Application:* (a) Removal of Condition 2 of Schedule B of planning permission 2016/0025/CNT to enable extraction of Carboniferous limestone to recommence within Bartlett's Quarry prior to the permanent cessation of extraction at Torr Works Quarry

(b) Application under S106A of the Town and Country Planning Act 1990 for the modification of the Torr Works Section 106 Agreement to enable the recommencement of Carboniferous limestone extraction at Bartlett's Quarry

*Grid Reference:* Easting - 372550, Northing - 145733

*Applicant:* Aggregate Industries UK Ltd

*Location:* Coleman's Quarry Complex, Holwell, Nunney, Frome, BA11 4PX

## 1. Summary of Key Issues and Recommendation

1.1 The two applications seek the removal of restrictions in the form of a planning condition and S106 Agreement that currently prevent the recommencement of extraction of Carboniferous limestone at Bartlett's Quarry prior to the cessation of extraction at Torr Works. The main issues for Members to consider are:

- planning policy considerations and the justification for the proposals;
- highways and traffic;
- ecology; and
- other environmental impacts and their control.

1.2 It is recommended that:

- (a) in respect of SCC/3742/2020, subject to completion of the deed of variation required to secure the modifications proposed in application SCC/3748/2020, planning permission be GRANTED subject to the imposition of the conditions listed in paragraph 9.1 of the report, 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; and
- (b) in respect of SCC/3748/2020, the modifications detailed in paragraph 9.2 of the report are made to the S106 Agreement relating to Torr Quarry, and that authority to undertake any minor editing which may be necessary to those modifications be delegated to the Service Manager – Planning & Development.

## 2. Description of the Site

2.1 The Coleman's Quarry complex comprises four parts separated by intervening roads and named individually, with no extraction currently taking place at any of them. From north to south, these are:

Bartlett's Quarry, at which extraction of limestone ceased in 2007 at a maximum depth of 120m AOD but which retains the only remaining reserves within the complex that are above the water table. Recycling of road planings currently takes place on the quarry floor. The road on the south eastern boundary of Bartlett's Quarry is the lorry route for the nearby Whatley Quarry, with a tunnel beneath the road linking this pit to the remainder of the Coleman's Quarry complex. A public right of way runs alongside the western boundary of the quarry.

North Quarry lies between the Whatley Quarry route and Horn Street, a lane providing access to Nunney. This quarry has been partially excavated with its eastern half accommodating a water body. As well as the tunnel to Bartlett's Quarry, North Quarry is also linked to the remainder of the complex by a tunnel beneath Horn Street.

Orchard Quarry is located between Horn Street and the A361, with a coated roadstone plant supplied with limestone from Torr and Callow Rock Quarries and from recycling operations within Bartlett's Quarry.

To the south of the A361 is Crees Quarry, which is largely excavated and occupied by a large water body.

- 2.2 Surrounding land is largely in agricultural use, with the edge of the village of Nunney being 630m to the east. The nearest residential property to the proposed extraction area in Bartlett's Quarry is Castle Hill Farm at a distance of 400m. In the wider area are three larger limestone quarries that are operational: Torr Works Quarry, 2.5km to the west; Halecombe Quarry, 2.75km to the north west; and Whatley Quarry, 1.7km to the north. There are also two quarries nearby that are Dormant but benefit from extant planning permissions: Westdown Quarry, to the west of Bartlett's Quarry, and Cloford Quarry to the south west of Crees Quarry and south of the A361 (which is subject to a clause in the Torr Works S106 Agreement preventing resumption of extraction until cessation of extraction and dewatering at Torr Works has ceased).
- 2.3 Orchard and Crees Quarries contain several areas of quarry faces which form the Holwell Quarries Site of Special Scientific Interest [SSSI], designated for its geological value. To the west of the Coleman's Quarry complex is the Asham Wood SSSI and Mendip Woodlands Special Area of Conservation [SAC], comprising ancient semi-natural woodland. The Mells Valley SAC lies around 4km to the north east, with most of the Coleman's Quarry complex apart from Bartlett's lying within the East Mendip Bat Consultation Zone.
- 2.4 Bartlett's Quarry and part of North Quarry lie within a Groundwater Source Protection Zone 1.

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

- 3.1 The southern part of the Coleman's Quarry complex, comprising Crees and Orchard Quarries and part of North Quarry, operates under conditions for an Interim Development Order (IDO/M/9/B) determined in 1994. Due to procedural issues with the service of the requisite notices, this consent remains in force without the opportunity for its periodic review.
- 3.2 The northern part of the complex, i.e. Bartlett's Quarry and the remainder of North Quarry, was approved under three separate permissions (89981 in 1972; 077905/002, issued in 1975; and 077905/007 which was approved in 1994) that were subsequently reviewed under the Review of Old Mineral Permissions [ROMP] procedure in 2003 (077905/015). This Review imposed new conditions on the underlying planning permissions, divided into Schedule A for North Quarry, and Schedule B for Bartlett's Quarry. While Schedule A limited working within North Quarry to a period expiring on 21 February 2042 (the same as for the southern part of the complex covered by IDO/M/9/B), Schedule B limited the life of the planning permissions for Bartlett's Quarry to 31 December 2015.
- 3.3 In February 2020, permission was granted (2016/0025/CNT) for the variation of Condition 1 of Schedule B of the ROMP conditions (077905/015) to alter the expiry date for Bartlett's Quarry to 21 February 2042. However, a new condition (numbered 2) was imposed to reflect the Torr Works S106 Agreement (see 3.6 below) requiring that:

"No further extraction of Carboniferous limestone or dewatering shall be undertaken within Bartlett's Quarry prior to the permanent cessation of commercial extraction of Carboniferous limestone and associated dewatering at Torr Works Quarry. Written notification of the permanent cessation of extraction and dewatering at Torr Quarry shall be provided to the Mineral Planning Authority not later than 28 days prior to the recommencement of extraction and/or dewatering within Bartlett's Quarry."

- 3.4 The reason given for the new Condition 2 was “To avoid potential cumulative effects on local communities and environment from the concurrent working of Bartlett’s Quarry and Torr Works Quarry”.
- 3.5 Permissions were also granted in 2002 for a concrete batching plant within Orchard Quarry (077905/016/DT) and in 2003 for a facility for the processing of glass, road planings and demolition waste for the production of recycled aggregates in Crees Quarry (077905/016). In 2014, permission was given for the relocation of the recycling facility from Crees Quarry to Bartlett’s Quarry (2015/0686/CNT), and this has been implemented.
- 3.6 When the separate Torr Works complex received planning permission (2010/0984) for deepening and a time extension to 2040 in July 2012, the accompanying Section 106 Agreement included the following covenant on the mineral operator:

*11.1 not to resume extraction of carboniferous limestone or dewatering within Coleman’s Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated dewatering as authorised by any subsisting and current planning permission shall have ceased.*

- 3.7 As extraction at Torr Works is expected to continue until around 2040, the effect of this covenant is to prevent any further extraction within Bartlett’s Quarry (which contains the major part of the remaining reserves) or other part of the Coleman’s Quarry complex before a short period prior to their expiry date in 2042.

#### **4. Proposals**

- 4.1 The two applications seek the same outcome in enabling recommencement of extraction within Bartlett’s Quarry in parallel with, rather than upon completion of, extraction at Torr Works. Application SCC/3742/2020 proposes the removal of Condition 2 of permission 2016/0025/CNT that was imposed in February 2020, while application SCC/3748/2020 proposes the following changes to the existing S106 Agreement for Torr Works (deleted wording struck through and new wording underlined):

Amended Clause 11.1:

~~Not to resume extraction of carboniferous limestone or de-watering within Colemans Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated de-watering as authorised by any subsisting and current planning permission shall have~~  
permanently ceased.

New Clause 11.3:

Not to resume extraction of carboniferous limestone within North Quarry, Orchard Quarry and Cress Quarry until an updated set of working and restoration conditions have been submitted to and approved in writing by the Mineral Planning Authority.

- 4.2 As indicated in 3.1, the extant planning permissions for Crees Quarry, Orchard Quarry and the southern part of North Quarry are not currently subject to any provision for their periodic review, and the proposed Clause 11.3 would therefore introduce a new opportunity for review and updating of conditions for those parts of

the Coleman's Quarry complex. Since any remaining reserves in North, Orchard and Crees Quarries are beneath the water table, any review would require full hydrogeological assessment.

- 4.3 The applications are accompanied by revised working drawings and an updated environmental monitoring scheme that, if application SCC/3742/2020 is approved, can be substituted for the documents previously approved. It is proposed that renewed extraction of the remaining reserves in Bartlett's Quarry would proceed in two broad phases, firstly to a level of 130m AOD, and then down to 120m AOD which is the limit allowed for by the current planning permission in order to avoid the need for dewatering. Extraction would be achieved through blasting, which would occur once or twice a week.
- 4.4 It is proposed that mobile processing plant, which would be likely to benefit from 'permitted development' rights, be installed to the north west of the extraction area and adjacent to the existing recycling operation within Bartlett's Quarry at a level of 120m AOD. Processed aggregates would be moved from Bartlett's Quarry using the existing haul route through two tunnels and North Quarry, either for use in the asphalt plant within Orchard Quarry or to the A361 for transportation elsewhere.
- 4.5 The applicant's supporting statement provides a detailed justification for the proposed changes to the planning permission and S106 Agreement, and reference is made to these grounds in subsequent parts of this report. In summary, the applicant's main points are:
- "Circumstances have changed since the restriction on re-opening Colemans was put in place, in that the policies of the Somerset Minerals Plan have been revised and updated and economic conditions now mean that more aggregate is required to meet the needs of London and the South East.
  - The most sustainable way to meet this need is to supply this material by rail. Hence the proposed reopening of Colemans to serve more local road based markets which would enable more aggregate to leave Torr by rail.
  - This approach is considered to comply with national minerals policy which attaches great weight to the economic benefits of minerals extraction and the latest version of the Somerset Minerals Plan.
  - Existing planning conditions already in place at Colemans will ensure that any adverse impacts will be mitigated to acceptable levels and there would be no increase in road based traffic above currently consented levels."
- 4.6 Since submission of the applications, the applicant has provided additional information in support of the proposals:
- Aggregate Industries UK Ltd [AIUK] employs more than 200 people locally, and the re-opening of Bartlett's Quarry would create an additional six jobs, increasing to eight as the quarry gets up and running;
  - reports produced for the Aggregate Working Parties for London and the South East highlight the reliance of those regions on imports of crushed rock aggregates by rail from Somerset to maintaining their supply;
  - "the situation whereby 2 of the largest rail served quarries in the country [i.e. Torr and Whatley] are experiencing pressures of supply is of national

significance and is not one where other rail served quarries in the Midlands (where AIUK already operate a rail linked quarry supplying the SE) could make up the difference”; and

- AIUK and its partner PORR have recently secured a contract to construct, in Somerset, the concrete beds on which HS2 will run, with material from Torr – “If Torr is to supply this and other infrastructure projects in London and the South East it...requires support to continue to supply the other local road based markets in the South West which is why the company need to re-open Bartletts Quarry”.

4.7 Application SCC/3742/2020 has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), which entitles an applicant to seek to vary or remove conditions attached to an existing planning permission. Where such an application is approved, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. A Section 73 application is considered to be a new application for planning permission under the Environmental Impact Assessment Regulations, and it can therefore require submission of an Environmental Statement.

4.8 The applicant’s intention to pursue the modification of the S106 Agreement to facilitate reopening of Coleman’s Quarry was made clear at the time of determination of application 2016/0025/CNT in February 2020, as indicated in the recommendation to the Regulation Committee that “Members note the intention for a further report to be made to the Committee on the applicant’s proposal to seek the modification of the existing Section 106 Agreement for Torr Works to facilitate recommencement of extraction at Coleman’s Quarry prior to cessation of extraction at Torr Works”.

## **5. The Application**

5.1 Plans and documents submitted with the applications:

- Application form and fee for SCC/3742/2020
- Application letter for SCC/3748/2020
- Supporting Statement (August 2020)
- Environmental Statement (August 2020)
- Environmental Statement: Non-technical Summary (August 2020)
- Drawing no. CQ SL-1: Site Location
- Drawing no. CQ PS-1: Current Survey
- Drawing no. CQ PS-2: Phase 1 – Extraction to 130m AOD
- Drawing no. CS PS-3: Phase 2 – Extraction to 120m AOD
- Updated Environmental Scheme (8 December 2020)

## **6. Environmental Impact Assessment [EIA]**

6.1 The proposals are considered to be ‘EIA development’ within the scope of Schedule 1 of the EIA Regulations 2017, and both applications are accompanied by an Environmental Statement that assesses the proposals against the range of potential

environmental impacts required by those Regulations and provides the following conclusions:

Traffic: “a review of the Site access has identified that no improvements are required; the highway network and existing traffic flows have been considered, along with the existing road safety. As there will be no increase above existing permitted levels, the proposed development is not predicted to have any significant effects”;

Air quality, noise and vibration: “Having regard to the likely impacts and the proposed mitigation it is considered that any significant adverse effects are unlikely and, subject to compliance with these limits, no significant adverse noise, dust or vibration effects are therefore predicted”;

Water: “The proposed development would not significantly affect water levels in these flooded quarries and would therefore have a negligible impact on groundwater resources and on features that rely on groundwater. No additional mitigation measures are therefore required and the residual effects are also assessed as not significant”;

Climate change: “the analysis demonstrates that although the reopening of the Colemans quarry will result in an increase in the transportation carbon impact above the baseline, it is a lower carbon impact solution than the potential alternatives”;

Landscape and visual: “there are no additional landscape and visual effects anticipated from the recommencement of working at the Site, concurrently with Torr Quarry”;

Ecology: “Having regard to the likely impacts and the proposed mitigation it is considered that any significant effects on bat species are unlikely and no significant effects are therefore predicted”;

Cultural heritage: “No mitigation measures or assessment of residual effects are...required or assessed with regard to impacts upon the setting of designated heritage asset”; and

Population and land use: “No significant environmental impacts were identified, that would either individually or cumulatively, result in significant adverse effects on the local population or upon land use...it is anticipated that the proposed development would lead to a small, short term beneficial impact on the local economy through employment and the use of local suppliers/contractors”.

6.2 The Environmental Statement also considered potential alternatives to the reopening of Bartlett’s Quarry:

- (a) a ‘do nothing’ approach whereby Bartlett’s Quarry remains mothballed until extraction at Torr Quarry has ceased, with the conclusion that this would place further pressure on other quarries in Somerset and Devon, leading to aggregates being transported for longer distances; and
- (b) supplying road-based markets currently served by Torr Quarry from other quarries including the applicant’s Callow Rock Quarry in Somerset and Westleigh Quarry in Devon and, potentially, from competitors’ quarries; however, it is concluded that this would result in increased carbon impacts compared to the proposed recommencement of extraction at Bartlett’s Quarry.

It is therefore concluded in the Statement that neither alternative option is sustainable due to the increased carbon impacts.

## **7. Consultation Responses Received**

### **External Consultees**

#### **7.1 Mendip District Council**

No objections subject to Somerset County Council being satisfied that the proposal does not compromise nearby residents' amenity, does not compromise highway safety and does not result in flood risk.

#### **7.2 Nunney Parish Council**

No objections.

#### **7.3 Wanstrow Parish Council**

Objection: We believe Somerset County Council were correct in imposing the condition as a means to limiting the impact quarrying activity has on neighbouring areas. In our opinion this was a valid reason and there has been no significant change that would require it to be reviewed; There is already significant impact from quarrying activity in the area arising from traffic, noise and dust. Increasing this activity, spreading it along our northern boundary and bringing it nearer to settlements in the parish (i.e. Cloford) will be detrimental to the environment and living conditions in the Parish; Although Aggregate Industries state that there will be no increase in export of material beyond what is permitted we note that current activity is well below that permitted and proposed removal of the condition will enable the current levels to be significantly increased. Whilst we support the export of quarried material by rail through the Parish and would be content to see that increase, the level of road traffic is already very high and could increase a further 62% (from the current 1.85 million tonnes to the permitted 3 million tonnes) under the proposal. Such an increase would be extremely detrimental to our parishioners.

#### **7.4 Mells Parish Council**

Objection: Concerns have been raised that approving this application would set a precedence for other quarries to open which would be against Somerset County Council's previous stipulation that no further quarries should re-open in the area until the works at Torr have been fully completed (approx. 40 years from that time). Somerset County Council should be made to abide by the agreements that are already in place.

#### **7.5 Batcombe Parish Council**

Whilst our parish is not adjacent to the quarry, many parishioners have concerns regarding the effect of increased quarrying upon the draw down of water in the vicinity. Many households and farms in the parish are dependent upon various private supplies. There have been times when the supply to some of these has been perilously low. It is forecast that there will be no adverse effect upon the water supply to our parish. However, we would like to directly express our concerns regarding the long term security of our private water supplies and seek positive reassurance that these sources of supply can be guaranteed.

#### **7.6 Environment Agency**



The Environment Agency can agree to the removal of Condition 2 from permission 2016/0025/CNT and the proposed wording in the Supporting Document for the S106 Clause 11.1 and 11.3 provided that extraction and supplementary works are limited to being above the water table.

#### 7.7 Natural England

No objection. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

#### **Internal Consultees**

#### 7.8 Planning Policy

The MPA originally submitted a holding objection due to the lack of clarification/information contained within the original submitted planning documentation. As a result the MPA were unable to undertake a full assessment of the proposals and determine whether the relevant policies contained within the Minerals Plan had been met. In particular, the economic/employment benefits of the scheme to the local and/or wider communities and, evidence of demand for the mineral resource.

The applicant has confirmed that the proposal will create an additional 6 jobs rising to 8 employees once working of the quarry is underway. The re-opening of Bartlett's would also help support the wider operations of the business and the associated 200 people that AI employee, both directly and indirectly. Moreover, the applicant has confirmed the recent award of a contract, along with its partner PORR, to construct concrete beds for the HS2 project, the material for which shall be supplied from Torr Quarry. It is clear that Torr Quarry will be required to help fulfil this project as well as the ongoing strong demand for mineral resource to the SE. Importantly, Torr can export the mineral to the SE via rail which is far more sustainable than road transport. In conjunction with Torr, the re-opening of Bartlett's would then allow important local markets to be served by road.

It is clear that quarries in Somerset play a very important role in supplying crushed rock to the SE. Both the 2018 Local Aggregate Assessment for London and the SE England Aggregates Working Party Annual Report (Jan 2020) highlight the key importance of supply from Somerset and the associated strong demand from the SE.

Both Local and national policies are clear that supplies to the SE should be maintained and supported. In regard to this last point, it is important to note the shift in policy approach to the extraction of crushed rock between the previous and current Somerset Minerals Plan and the introduction of the National Planning Policy Framework (NPPF). This is important in the consideration of this current proposal because when planning permission was granted in 2012 for Torr Quarry to be deepened and permission extended until 2040, along with the associated legal agreement that prevented works at Bartlett's Quarry, the policy approach to crushed rock extraction was then more restrictive. At that time, permission should only be granted in exceptional circumstances where there was a demonstrable need that could not be met from existing sources of supply, plus significant benefits to the

environment or local communities without significantly increasing the size of the landbank.

However, since the introduction of the NPPF and adoption of the Somerset Minerals Plan in 2015, the policy approach has shifted from the more restrictive stance and is now supportive in principle of the extraction of crushed rock. Moreover, local planning authorities should give great weight to the benefits of mineral extraction, noting in particular the key role Somerset plays in maintaining a steady and adequate supply of crushed rock. Relevant policy SMP3 does require evidence of clear economic benefit to the local and/or wider communities and, that appropriate mitigation measures are in place to ensure that any adverse impacts to local communities and the environment are at acceptable levels.

Having given careful consideration to the additional information, the MPA are satisfied that the economic and other benefits have been clearly outlined by the applicant to accord with part A of Policy SMP3. In regard to part B, it is important that any adverse impacts, including the cumulative impacts of re-opening Bartlett's, are fully assessed by the appropriate consultees /officers to ensure compliance with part B of Policy SMP3. Moreover, mitigation measures identified to ensure that any adverse impacts are at acceptable levels are conditioned as part of any approval and fully implemented by the applicant.

On the basis of the above, the MPA withdraws its holding objection and does not raise an objection to the above applications.

#### 7.9 Highways Development Management

Fundamentally, the developers have provided a robust and thorough application and have been able to demonstrate that the quarry traffic will not represent a significant highway impact as defined in section 9 of the National Planning Policy Framework. However, it is noted that the original consents for the quarries was that the permanent cessation of Torr Quarry was to take place before the recommencement at Bartlett's Quarry. Currently the quarries are not running simultaneously and although there is capacity, the Highway Authority would not want to see this as an opportunity for the quarries to extend the use of this beyond what they are currently proposing.

However, it is the opinion of the Highway Authority that this would not be severe as defined within the National Planning Policy Framework (NPPF) and as such the Highway Authority does not raise an objection to the removal of condition 2 that relates to planning application 2016/0025/CNT nor planning application 3748/2020 to amend the S106 to allow for the modification of the Torr Works Section 106 Agreement to enable the recommencement of Carboniferous limestone extraction at Bartlett's Quarry, Nunney.

#### 7.10 County Ecologist

No objections subject to reiteration and updating of relevant conditions imposed on permission 2016/0025/CNT. Habitats Regulations Assessment has been undertaken which concludes that "the proposed removal of Condition 2 of Schedule B of the permission of application 2016/0025/CNT is unlikely to affect the integrity of the features of the Mells Valley SAC or the Mendip Woodlands SAC".

#### 7.11 Flood Risk Management

The applicant should ensure 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 is low.

#### 7.12 County Acoustics Specialist

In my view while it would appear unlikely for there to be significant reason to object to either application on the grounds of unacceptable noise or vibration impact, there would appear to remain some uncertainties regarding the extent of some of the consequential impacts (increased rail movements at Torr and increased eastward HGV movements at Colemans Quarry) and the measures that might be employed to minimise them. I also highlight several points in regard to the wording in planning conditions and the new Environmental Scheme.

The Secretary of State identified that an Environmental Statement concerned with Bartletts would need to consider potential impacts that may arise from the renewal of mining activity, and the significance impacts might have based on the scale and any change of circumstances brought about by the lapse of 13 years. The associated changes in impact at Torr Quarry are thought mainly to be associated with the increases in rail movements to eastern markets.

##### *Torr Quarry*

In my opinion the outcome of changes to the export of materials from Torr will not bring about growth in quarrying impacts nor will they conflict with existing planning conditions limiting noise and vibration. However, the implications to existing noise and possibly vibration impacts from rail transport have not been identified and are not understood at present.

The MPA may wish to have a greater understanding and certainty that both the existing rail impacts are currently found to be acceptable by effected residents, and that the present Rail Transportation Vibration and Noise Mitigation Scheme is providing a proactive and effective process for considering, and where possible, mitigating these impacts. In this respect the monitoring actions of the scheme (defined by 4.6, 4.7 & 5.9) would be expected to provide useful monitoring records and evidence of routine dialogue with residents to clarify this.

##### *Bartletts Quarry*

There would appear to be some change to private development near to the entrance of Bartletts Quarry, and this may have taken place during the period of reduced activity. A potential growth in eastward HGV departures could therefore be seen as an impact on several locations however, the potential increase in pass-by events close to properties remains uncertain at this point. While the operator has not considered this aspect of noise, there would appear to be options to limit the impacts of noise from accelerating HGV by the operator ensuring a suitable speed restriction on this eastern feeder road such that pass-by noise is not greatly different from existing A361 traffic noise events.

In my view the applicant has indicated (ES 5.4) there to be no night-time operations within Bartletts Quarry and therefore, the MPA may consider there to be no risk of secondary processing arising at night through omission of terminology within Schedule B working hours condition 12, and its reference to only "primary crushing, primary screening, or face working operations".

In my view the potential for overall noise from Bartlett Quarry to not change on reactivation, will only be assured if noise condition 19 encompasses the continuing activities of waste recycling as an 'ancillary operation' and thereby avoids a cumulative effect. This would seem likely but the MPA might wish to clarify this interpretation. If this is not verified, then noise emissions from Bartletts could increase beyond those previously permitted and monitoring individual consents would become difficult.

In my view condition 20 requires change to avoid ambiguity and the reference to 'except when working is on the top bench when levels shall not exceed 50 dB LAeq (1 hour)' should be removed. The Environmental Scheme may also need to reflect this alteration.

### *Environmental Scheme*

I would suggest that the Environmental Scheme dated March 2020 might be approved subject to three minor amendments:

- clarify the possible ambiguity identified in Section 2.4.2 in that "operations of a temporary nature" could be replaced with 'operations defined by PPG-Minerals as temporary operations'.
- amend the wording in section 3.4.1 from "blasting at the site shall not exceed", to "blasting at the site shall not be designed to exceed".
- may need to amend the footnote to the table of permissible noise limits in Section 2.4.1 if condition 20 is modified.

7.13 In response to comments from the applicant, the Acoustics Specialist has provided the following further observations:

In regard to Torr Quarry the operators response is slightly ambiguous in that, while it acknowledges that reactive measures are in place to address noise disturbance, it does not indicate the outcome of the proactive measures of the scheme that were intended to identify the early onset of resident concern before the risk of complaint arises. However, if the operator has "not received any complaints with regard to night time movements of trains from Torr" then it may now seem less necessary for the MPA to pursue this point further. The response unfortunately also does not aid in an understanding of how additional rail output might manifest, but again the MPA may accept this as now unnecessary when existing operations during the most sensitive night-time period appear not to give rise to disturbance.

In regard to Bartletts reactivation, my comments were not provided as an objection but were an observation of a change in impact not then detailed within the application. In raising these comments I accept that the impact of eastern HGV departures would inevitably have arisen if extraction had continued, and I also recognise that there are no specific conditions associated with this aspect of impact should extraction resume under Schedule B of 2016/0025/CNT. The NPPF however, encourages planning to "work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area" and as such comments were intended to highlight an aspect the operator might consider, should any measures to minimise cumulative traffic impacts exist, and be reasonably practicable.

I was unaware but in agreement with the need to continuing to refer to the condition 20 relaxation of noise conditions if reserves still remain at the original top bench height. It may be helpful for these remaining original top bench areas to now be identified on a plan as this would provide the MPA and those referring to the scheme with clarity in the unlikely event it was necessary to respond to a complaint of increased noise during drilling.

### **Public Consultation**

7.14 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of local residents by letter. In response, 93 objections have been received from local residents (predominantly from Nunney and Chantry) together with an objection from the developer of a proposed housing site at Nunney. Full copies of the representations are available in the individual application records on the County Council's website, but the main issues raised in these objections are:

- the S106 Agreement was entered into by Aggregate Industries in good faith, and its amendment removes any trust in them;
- Condition 2 was only imposed in February 2020 following objections to a previous application, with no change of planning policy or other circumstances since then, and the proposal does not meet current policy;
- the applicant's evidence for demand is weak with only general reference to HS2 and Government infrastructure plans, and Covid-19 will lead to reduced demand;
- Bartlett's Quarry should only be reopened if the applicant can provide evidence of a national emergency that has led to a nationwide aggregate shortage;
- the existing super-quarries of Torr and Whatley are sufficient to provide supply with no need to reopen Bartlett's, which would add to the concentration of quarrying in the area;
- lack of justification why Torr Quarry is unable to increase production, including scope to improve processing scalplings through investment in new plant rather than the cheaper option of reopening Bartlett's Quarry;
- a precedent will be set for further working in other parts of Coleman's Quarry, including below the water table, as well as the reopening of Cloford Quarry and development of other adjoining land;
- potential 62% increase in traffic with resulting congestion at the Nunney catch roundabout in combination with further traffic from the new housing development next to the roundabout;
- increased danger for users of the A361 as well as nearby lanes used by cyclists, walkers and nervous drivers wishing to avoid main roads;
- increased damage to road surfaces by HGVs;

- noise, blasting and light pollution from working in Bartlett's Quarry and associated traffic, which will discourage rural economic activity including home working;
- dust from quarrying will harm health and wildlife and worsen the visual condition of roadsides and the countryside;
- vibration from blasting makes nearby houses shake and may cause damage to properties;
- impacts on water quality and borehole supply;
- the safety of the tunnels connecting Bartlett's, North and Orchard Quarries is questioned;
- impacts on wildlife including nearby Sites of Special Scientific Interest and watercourses;
- more investigation is required of impacts on bats;
- stone previously quarried at the site was not of good commercial quality;
- Hanson are considering reopening the adjacent Westdown Quarry and extending Whatley Quarry, and it is essential that these proposals are considered with the Bartlett's Quarry applications;
- Westdown Quarry directly adjoins Bartlett's and North Quarries and, together with other parts of Coleman's Quarry and Cloford Quarry, could create a huge 'super quarry', with multifold greater impacts on local communities including lorry traffic;
- the proposal does not align with the applicant's target of net zero climate change by 2030, and impacts on energy usage are not discussed;
- greener alternatives to aggregate and concrete will decrease demand for limestone;
- a geological fault at Nunney carries sound and vibration from the quarries;
- no account has been taken of permission being granted for 82 dwellings at Green Pits Lane in Nunney or the impact on new residents and their amenity in terms of noise, dust and increased traffic; and
- determination of the application should be postponed until a public meeting can be held.

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

8.1 The key issues for Members to consider are:

- planning policy considerations and the justification for the proposals;
- highways and traffic;
- ecology; and
- other environmental impacts and their control.

## 8.2 The Development Plan

8.2.1 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)
- Mendip Local Plan Part I: Strategy and Policies 2006-2029 (adopted 2014)

## 8.3 Material Considerations

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

- the National Planning Policy Framework, February 2019
- Planning Practice Guidance
- Mendip Local Plan Part II: Sites and Policies (emerging)
- North Somerset and Mendip Bats Special Area of Conservation Guidance on Development

## 8.4 Planning Policy Context

### Policy Context for the 2012 Torr Quarry Application

8.4.1 At time of determination of the Torr Quarry planning application in 2012, the local minerals policy context was provided by the Somerset Minerals Local Plan that had been adopted in 2004. When that Plan was adopted, Somerset benefitted from a quantity of permitted reserves (626 million tonnes) that substantially exceeded the forecast requirement for the Plan period to 2011 (225 million tonnes) and the subsequent 15 years (225 million tonnes). Policy M35 (Crushed Rock Supply from Somerset) therefore took a restrictive approach towards proposals that would create additional reserves:

*“Proposals for the extraction of crushed rock aggregates will not be permitted unless:*

- *there are exceptional circumstances where there is a demonstrable need that cannot be met from existing permitted sources of supply; or*
- *the proposal will result in significant benefits to the environment or local communities without significantly increasing the size of the landbank.”*

8.4.2 The report to Regulation Committee on 5 January 2012 concluded that the proposal to deepen the quarry and extend its timescale was contrary to Policy M35, as it was considered that the identified need for crushed rock aggregates could be met from other quarries in Somerset. However, it was stated in the report that, notwithstanding the lack of compliance with Policy M35, there were policy-related social, economic and environmental benefits that would warrant permission being granted. One element of this balance was Policy M36 (Dormant and Inactive Sites), which stated that:

*“Where there are extant permissions at dormant sites which nonetheless cannot comply with the policies of this Plan or are considered unlikely to*

*resume working, the Minerals Planning Authority will seek to secure their relinquishment and reclamation.”*

- 8.4.3 Supporting paragraph 6.2.22 of the Minerals Local Plan stated that, other than in exceptional circumstances, the release of significant quantities of new reserves will not be permitted unless progress can be secured on the relinquishment or modification of those dormant sites which are considered unable to comply with the Plan’s policies or are unlikely to resume working. Paragraph 6.3.1 of that Plan provided a list of dormant quarries in an unacceptable location, with potential for an unacceptable impact on the environment and/or unlikely to resume working that would be subject to Policy M36, but Coleman’s Quarry was not included in this list as it is not defined as ‘dormant’ [however, Cloford Quarry, referred to below, was included].
- 8.4.4 The applicant for the Torr Quarry extension provided an explanation of why they were unable to offer relinquishment of any of their sites, and instead offered to postpone any further working at the inactive Coleman’s Quarry while planned and economic reserves remained at Torr Quarry. In recognition of their interest in the nearby Cloford Quarry only being leasehold, a personal pledge was also made not to reactivate that quarry while reserves remain at Torr Quarry. These commitments were included in the Section 106 Agreement that was signed prior to issue of the Torr Quarry permission in the form of Clause 11.1 relating to Coleman’s Quarry [reproduced in paragraph 3.6 of this report] and Clause 12 for Cloford Quarry [which is not proposed to be altered through the current applications]:

*“All covenants with the LPA and (as a separate covenant) with the EA that they and their successors in title as tenants to the Cloford Lease will not resume extraction of carboniferous limestone or dewatering within Cloford Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated dewatering as authorised by any subsisting and current planning permission shall have ceased”*

#### Current Policy Context

- 8.4.5 Since the Regulation Committee’s consideration of the Torr Quarry application in January 2012, the policy context has evolved through publication and subsequent amendment of the National Planning Policy Framework [NPPF], together with adoption of the Somerset Minerals Plan in 2015. The February 2019 version of the NPPF reiterates the presumption in favour of sustainable development and the need for plans to take a positive approach to meeting development needs [paragraph 11], and underlines the essential requirement:

*“that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs”* [paragraph 203] and requires that *“great weight be given to the benefits of mineral extraction, including to the economy”* [paragraph 205].

- 8.4.6 Somerset’s strategic role in the supply of crushed rock aggregates is recognised in Objective A of the Minerals Plan which aims to:

*“ensure that Somerset is able to provide an adequate and steady supply of minerals, contributing to national, regional and local requirements without compromising the natural and historic environment, supporting in particular...the county’s nationally important role in crushed rock supply”*



- 8.4.7 Policy SMP2 (Crushed rock supply and landbank) of the Minerals Plan commits the County Council to maintaining a rolling 15 years landbank of permitted reserves of Carboniferous Limestone and Silurian Andesite throughout the Plan period. The most recent figure for the landbank for crushed rock aggregates is 32.4 years from the end of 2017 (based on a ten years' average of sales).
- 8.4.8 While the proposals that are the subject of this report will not create any additional reserves of crushed rock aggregates – rather, they will bring forward the timescale within which existing reserves above the water table within Coleman's Quarry can be worked – it is appropriate to consider Policy SMP3 (Proposals for the extraction of crushed rock):

*“Planning permission for the extraction of crushed rock 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) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.*

*Land has been identified as an Area of Search for Silurian Andesite extraction as shown in policies map 1b.”*

- 8.4.9 The Somerset Minerals Plan does not have an equivalent to Policy M36 of the previous Minerals Local Plan which sought the relinquishment of dormant mineral permissions, although paragraphs 6.61 to 6.69 outline circumstances in which revocation or modification of dormant permissions may be sought if considered necessary or desirable. However, the quarries that are grouped together as Coleman's Quarry, while currently inactive, are not classed as 'dormant'. Two nearby quarries – Cloford and Westdown – are classed as dormant.
- 8.4.10 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 subsequent sections of the report.

## **8.5 The Justification for the Reopening of Bartlett's Quarry**

- 8.5.1 As noted above, Objective A of the Somerset Minerals Plan recognises Somerset's role in meeting national aggregates needs as well as its regional and local role. This strategic role is also highlighted in reports produced by the Aggregate Working Parties [AWPs] for London and the South East.
- 8.5.2 London is wholly dependent on the importation of crushed rock by rail from elsewhere, with its 2018 Local Aggregate Assessment<sup>1</sup> noting that imports have been around 3 to 3.5 million tonnes annually and that the South West is the main source. Paragraph 6.4 of that document advises that “London's reliance on crushed rock depends on local planning authorities in other parts of the country accepting disturbance to their residents to allow minerals operators to continue to exploit material for London's benefit”.

---

<sup>1</sup> Available at [https://www.london.gov.uk/sites/default/files/london\\_laa\\_july\\_2018.pdf](https://www.london.gov.uk/sites/default/files/london_laa_july_2018.pdf)

- 8.5.3 The most recent annual monitoring report for the South East AWP<sup>2</sup> indicates that sales of imported crushed rock from rail depots amounted to 4.5 million tonnes in 2018, with Somerset being the most important source.
- 8.5.4 As one of two Somerset rail-linked quarries (the other being Whatley), Torr Quarry supplied 3.65 million tonnes of crushed rock by rail in 2018, predominantly to London and the South East, with a further 1.85 million tonnes transported by road to more local markets. To meet anticipated increased demand arising from infrastructure development in these other regions, notably from HS2, the applicant proposes to increase the volume of crushed rock transported from Torr Quarry by rail to 4.6 million tonnes, with road-based output to reduce to 0.9 million tonnes, and to recommence extraction at Bartlett's Quarry to provide an additional 0.9 million tonnes to deliver the balance of the local need.
- 8.5.5 The planning permission for Torr Quarry allows for a maximum annual output of 8 million tonnes, of which no more than 3 million tonnes can be transported from the site by road, and these limits would be sufficient to meet the predicted requirements of 4.6 million tonnes by rail and 1.8 million tonnes by road [i.e. 6.4 million tonnes in total] without requiring any contribution from Bartlett's Quarry. However, the applicant states that Torr Quarry is most efficient at an annual output of 5.5 million tonnes as the quantity of scalplings<sup>3</sup> that would be produced at a higher output would exceed the capacity of the quarry's washing plant. It is stated that Torr Quarry has insufficient space for a larger washing plant, while increased production of scalplings would lead to their stockpiling on the quarry floor and consequent sterilisation of underlying reserves.
- 8.5.6 As an alternative to the options of reopening Bartlett's Quarry or increasing output at Torr Quarry, the applicant has investigated a further option of meeting the balance of local supply from their Callow Rock Quarry in the west Mendips. As that quarry already supplies local Somerset markets, it would face a shortfall in its own ability to meet its current markets that would need to be met through the applicant's Westleigh Quarry in Devon and/or from competitors' quarries in Somerset. The applicant has modelled the transportation carbon impacts of these options, with the following results:

Torr/Bartlett's	37.5 ktCO <sub>2</sub> e <sup>4</sup> /year
Torr/Callow Rock/Westleigh	45.0 ktCO <sub>2</sub> e/year
Torr/Callow Rock/Westleigh/Competitors	41.0 ktCO <sub>2</sub> e/year

The proposal to reopen Bartlett's Quarry to supplement Torr Quarry's output is therefore the most sustainable option in terms of carbon emissions from vehicle movements.

- 8.5.7 If Somerset is to maintain its strategic role as the major source of rail borne crushed rock aggregates for London and the South East, as well as continuing to meet its own local needs, its major limestone quarries need to retain the flexibility to increase rail-

<sup>2</sup> Available at <https://documents.hants.gov.uk/see-awp/SEEAWP-annual-report-2018.pdf>

<sup>3</sup> Scalplings are the clay-contaminated stones removed during processing which can be washed to provide a lower grade aggregate product

<sup>4</sup> Kilotonnes of CO<sub>2</sub> equivalent

based output while maintaining local road-based supply, in line with Objective A of the Somerset Minerals Plan.

- 8.5.8 Policy SMP3 of the Minerals Plan presumes in favour of approving proposals for crushed rock extraction, subject to the two tests indicated in paragraph 8.4.8. The applicant has indicated that the reopening of Bartlett’s Quarry would result in 6 to 8 additional jobs as well as supporting the operator’s 200 existing local staff, which represents a benefit to the local economy. Given the constraints placed on Torr Quarry by its capacity to manage scalplings, together with the greater carbon impacts of supplementing local supply through Callow Rock and other quarries, the reopening of Bartlett’s Quarry appears to be the most sustainable, albeit short term, option that will limit impacts on the wider Somerset community.
- 8.5.9 With regard to the second test of Policy SMP3 concerning mitigation of adverse impacts, it is necessary to consider the potential adverse impacts from recommencing extraction at Bartlett’s Quarry in detail before reaching a conclusion.

## 8.6 Highways and Traffic

- 8.6.1 Policy DM9 of the Somerset Minerals Plan requires that applications demonstrate that the road network is suitable, or can be upgraded to a suitable standard, to sustain the proposed volume of traffic without causing unacceptable adverse impacts.
- 8.6.2 Vehicles travelling from Bartlett’s Quarry would use internal haul roads through North and Orchard Quarries, including two tunnels beneath public highways, to access the A361 at the main Coleman’s Quarry entrance. This access benefits from a right turn lane for traffic approaching from the east.
- 8.6.3 Currently, HGV traffic generated by the Coleman’s Quarry complex is limited to an average of 12 vehicles a day delivering limestone to the asphalt plant from Torr and Callow Rock Quarries [these would cease on the reopening of Bartlett’s Quarry]; 17 vehicles delivering bitumen and hardstone to the asphalt plant; 46 HGVs outbound with asphalt; and 16 vehicles outbound with recycled aggregates.
- 8.6.4 The proposed reopening of Bartlett’s Quarry would result in an average of 146 HGV loads of limestone leaving the Coleman’s Quarry complex, balanced by a reduction in vehicles leaving Torr Quarry from 300 to 144 each day. A summary of the current and anticipated vehicle movements is shown below.

	Current Movements	Proposed Movements
Limestone deliveries to Coleman’s	12	0
Bitumen/hardstone deliveries to Coleman’s	17	17
Asphalt deliveries from Coleman’s	46	46
Recycled aggregates deliveries from Coleman’s	16	16
Limestone deliveries from	300	144

Torr		
Limestone deliveries from Coleman's	0	146
Total	391	369

- 8.6.5 The combined number of HGVs accessing the A361 from Torr and Coleman's Quarries shows a reduction of 21, due partly by cessation of imports of limestone to the Coleman's asphalt plant and partly by a small reduction in total output of limestone transported by road. It is assumed that the limestone extracted from Bartlett's Quarry will serve the same local markets as currently supplied from Torr Quarry so, once the HGVs have accessed the A361 that serves both quarries, the distribution of lorry movements will remain the same.
- 8.6.6 The main traffic impact will therefore be a redistribution in terms of the locations at which traffic enters the A361, with a net increase in the daily number of HGV movements generated by the Coleman's Quarry complex of 134, balanced by a similar reduction in vehicles from Torr Quarry, and it is considered that the proposal accords with Policy DM9 of the Somerset Minerals Plan
- 8.6.7 The current planning permission for Torr Quarry limits its total annual output to 8 million tonnes, of which no more than 3 million tonnes can be transported by road. As the applicant controls both Torr and Coleman's Quarries, it has offered to guarantee that their combined output by road will not exceed this 3 million tonnes limit, ensuring that there would be no net increase in traffic on the A361 above the currently consented level, and this can be secured through a new clause in the modified S106 Agreement. In reality, it is considered unlikely that road-based output would approach this level given the stated constraint on production at Torr Quarry, the preference to concentrate that output on rail traffic, and the existing limit on output from Bartlett's Quarry [2.8 million tonnes over a 36 months period].

## 8.7 Ecology

- 8.7.1 Policy DM2: Biodiversity & Geodiversity of the Somerset Minerals Plan allows for development that "will not generate unacceptable adverse impacts on biodiversity" and where measures will be taken to mitigate [adverse impacts] to acceptable levels...such measures shall ensure a net gain in biodiversity where possible". The application site is close to the Mells Valley SAC, designated for its exceptional breeding population of greater horseshoe bats, and the Mendip Woodlands SAC which is sensitive to dust deposition from quarrying.
- 8.7.2 As the proposed reopening of Bartlett's Quarry has implications for bats that may use the site currently or in the future, the applicant's Environmental Statement is accompanied by an initial report (July 2019) and a final report (June 2020) of a survey of the potential value of the quarry to greater and lesser horseshoe bats and roosting bats in general. This survey collated historic records and available data, mapped the habitats present within the quarry, and assessed its cliffs for their potential to hold roosting bats. The initial report included the following conclusions:
- there are no Potential Roost Features present within Bartlett's Quarry that compare with the documented situations exploited by horseshoe bats;

- recommencement of works will not result in the severance of any linear landscape element that might be exploited as a flight path by horseshoe bats or the destruction of habitat that compares with the documented situations exploited for foraging by horseshoe bats;
- the habitats may offer a source of invertebrate prey, and demonstrate that a 'light touch' restoration approach might have merit in this situation; and
- the evidence collected and collated suggest the environment offered by an individual cliff on the northern perimeter of Bartlett's Quarry is favourable for exploitation by roosting serotines and, in addition, the environment offered by a further five cliffs includes favourable components.

8.7.3 Further surveillance was undertaken within the quarry, which found no evidence to indicate the presence of a bat roost within the areas intended to be worked. The final report recommended that restoration of the quarry should be 'light touch' to encourage development of vegetation already present on the quarry margins, rather than its removal and replacement.

8.7.4 The County Council's Ecologist has subsequently undertaken screening and appropriate assessment under the Conservation of Habitats and Species Regulations 2017 to consider the potential for the proposed development to have significant effects on the Special Area of Conservation. This assessment concludes that "the proposed removal of Condition 2 of Schedule B of the permission of application 2016/0025/CNT is unlikely to affect the integrity of the features of the Mells Valley SAC or the Mendip Woodlands SAC".

8.7.5 The appropriate assessment has been forwarded to Natural England for their consideration, and they concur with its findings that significant effects on the SACs are unlikely to occur.

8.7.6 A condition was imposed on permission 2016/0025/CNT to require measures to manage and enhance existing habitat within the quarry in the interests of bats, which will potentially represent a net gain in biodiversity, and this requirement will be reiterated in any new permission. It is therefore considered that the proposal is consistent with Policy DM2.

## **8.8 Other Environmental Effects**

8.8.1 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.”

- 8.8.2 The recommencement of quarrying of limestone at Bartlett’s Quarry has the potential to cause adverse impacts on the local community and environment through the generation of noise, vibration, dust and traffic. However, the existing permission provides a range of conditions to control and mitigate these effects, including limitations on hours of working, noise, blasting, lighting and dust, together with requirements for screening banks. The applicant has provided an updated environmental scheme including measures for the monitoring of noise, vibration and dust together with a complaints procedure, and implementation of this scheme can be secured through the new permission.
- 8.8.3 The existing noise conditions previously imposed through the ROMP were reviewed by the County Council’s acoustics officer in the determination of application 2016/0025/CNT in 2020, and these remain ‘fit for purpose’, subject to requiring details to be submitted for any new plant that may be installed in the quarry.
- 8.8.4 The removal of Condition 2 of 2016/0025/CNT and variation of the S106 Agreement as applied for will not alter the nature of, or controls over, the potential impacts of extraction at Bartlett’s Quarry, but will bring forward the timescale for the reopening of that quarry by around 20 years and facilitate the working of Torr and Bartlett’s Quarries in parallel rather than sequentially. It is considered that the conditions proposed to be retained and amended, as indicated in section 9 of this report, will ensure that compliance is achieved with Policies SMP3 and DM8 of the Minerals Plan.
- 8.8.5 As is the case with Bartlett’s Quarries, mineral operations at the nearby operational quarries – Torr, Whatley and Halecombe – are subject to conditions controlling noise, vibration and dust. Given these ongoing controls, together with the physical separation between Bartlett’s and the other quarries, it is considered that the proposed recommencement of extraction would not result in any significant cumulative effects.
- 8.8.6 Consideration of impacts on the water environment is a key issue for a limestone quarry, and Policy DM4: Water Resources & Flood Risk of the Somerset Minerals Plan requires an application to demonstrate avoidance of unacceptable adverse impacts on the water resource including the quality of ground and surface water. The current permission includes conditions limiting working to a depth of 120m AOD, which will avoid working below the water table, and preventing pollution, and it is proposed that these conditions be retained in any new consent, which will ensure that the development complies with Policy DM4.

## **8.9 Matters Raised in Objections**

- 8.9.1 Reference has been made by objectors to the proposed development of housing at the southern end of Nunney, for which Mendip District Council has resolved to grant planning permission (20/0158/FUL) subject to completion of a S106 Agreement. The proposed housing would be a minimum of 1.1km from Bartlett’s Quarry and 500m from the access of Coleman’s Quarry to the A361. Given these distances and the existing conditions to limit impacts from noise, vibration and dust, it is considered that occupants of the proposed dwellings will not experience any adverse effects from mineral working or the movement of vehicles within the quarry complex.

- 8.9.2 While some of the predicted 146 HGV movements from Coleman's Quarry will travel east on the A361 and through the Nunney Catch roundabout close to the new housing, this traffic would currently be generated by Torr Quarry, and the proposals would therefore not result in any increase in traffic on this part of the A361 in comparison with existing patterns. The applicant has confirmed that the housing application was considered in the preparation of the Environmental Statement, but cumulative effects were considered unlikely due to the site's distance from the quarry and the environmental controls under which the quarry would operate.
- 8.9.3 The suggestion has been made by some objectors that approving these applications would set a precedent for the reopening of Cloford Quarry, which is located south of the A361 to the south west of Coleman's Quarry. However, as indicated in 8.4.4, Cloford Quarry is the subject of a separate clause in the Torr Quarry S106 Agreement which prevents its reopening until closure of Torr, and the applicant is not proposing to make any modification to that clause. Although the applicant could seek modification of the Cloford Quarry clause at some time in the future, any decision on such an application would need to be based on the circumstances of that site at the time of that application, and any decision taken on the applications relating to Coleman's Quarry currently before the Council would not set any form of precedent for decisions on later applications.
- 8.9.4 Some objectors have referred to proposals by Hanson to recommence extraction at its Westdown Quarry site, which has not been worked since the 1980s but which has recently been the subject of pre-application consultation. This is a Dormant quarry that cannot be reopened until the operator has secured approval of a new set of operating conditions, to be informed through preparation of an Environmental Statement. Since these proposals remain at an informal stage, with the timescale for submission of the necessary application being uncertain, it is difficult to assess the extent of any cumulative impacts in combination with the proposals for Bartlett's Quarry. However, the limited timescale for working of available reserves at the latter (just over three years from early 2021, as indicated by the applicant) and the potential timescale for submission and determination of the necessary application for Westdown Quarry suggest that the duration of any overlap in their working would be limited.

## **8.10 Concluding Comments**

- 8.10.1 Consideration of the planning application for the extension of Torr Quarry in 2012 reflected the policy context in place at that time, notably the failure of the proposal to comply with the negatively worded requirements of Policy M35 of the Minerals Local Plan. To offset the lack of compliance with that Policy, one of the measures secured by the County Council was the inclusion of clauses within a S106 Agreement to prevent further extraction at Coleman's and Cloford Quarries prior to cessation of extraction at Torr Quarry.
- 8.10.2 Since consideration of that application by the Regulation Committee in January 2012, the policy context has altered significantly:
- the National Planning Policy Framework has been published, introducing a presumption in favour of sustainable development and requirement for positive plans, together with emphasis on the great weight to be given to the importance of minerals to the economy; and

- the Somerset Minerals Plan, adopted in 2015, has a more positive approach to crushed rock supply in the form of Policy SMP3.

8.10.3 While there were sound reasons for the imposition of the S106 Agreement clause relating to Coleman's Quarry in 2012, circumstances have subsequently changed, not only in terms of the policy context but also taking account of planned economic development that will be supported by Somerset's contribution to national aggregates supply. The applicant has highlighted the constraints on output from Torr Quarry and the role that Bartlett's Quarry can play in supplying local road-based markets to enable rail-based movements to destinations outside the region to increase, and it is considered that sufficient justification has been provided to demonstrate compliance with Policy SMP3 of the Somerset Minerals Plan and to warrant the modifications proposed to the S106 Agreement.

8.10.4 Objectors have questioned the case for removing Condition 2 of permission 2016/0025/CNT when it was only imposed in February 2020. However, that condition was added to the revised permission to reflect the existing S106 Agreement restriction and, if the case for retention of the latter is set aside as suggested above, then retention of Condition 2 cannot be justified.

8.10.5 While recommencement of extraction and associated lorry movements at Bartlett's Quarry have the potential to cause harm to the local community and environment if not properly controlled, the existing planning permission has a set of rigorous conditions that should be reiterated in any new consent in order to avoid any significant adverse effects occurring, and to ensure compliance with Policies DM2, DM4, DM8 and DM9 of the Minerals Plan. Additional safeguards would be provided by (a) the proposed new clause within the S106 Agreement that provides for a review of the extant planning conditions for North, Orchard and Crees Quarries before any extraction is undertaken in those parts of the Coleman's Quarry complex, as those areas are not currently subject to a statutory requirement for review; and (b) the applicant's commitment through another new clause that combined lorry movements from Torr and Coleman's Quarries would not exceed the tonnage limit currently in place solely for Torr Quarry.

## **9. Recommendations**

9.1 **In respect of application SCC/3742/2020, subject to completion of the deed of variation required to secure the modifications proposed in application SCC/3748/2020, it is recommended that planning permission be GRANTED subject to the imposition of the following conditions [with deletions from the extant conditions shown struck through and additions shown underlined], 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:**

### **Schedule A: Conditions for North Quarry**

[No change to existing conditions]

### **Schedule B: Conditions for Bartlett's Quarry**

#### **DURATION OF PERMISSION**

1. This permission shall be limited to a period expiring on 21<sup>st</sup> February 2042.



Reason: In accordance with Schedule 5 of the Town and Country Planning Act 1990.

- ~~2. No further extraction of Carboniferous limestone or dewatering shall be undertaken within Bartlett's Quarry prior to the permanent cessation of commercial extraction of Carboniferous limestone and associated dewatering at Torr Works Quarry. Written notification of the permanent cessation of extraction and dewatering at Torr Quarry shall be provided to the Mineral Planning Authority not later than 28 days prior to the recommencement of extraction and/or dewatering within Bartlett's Quarry.~~

~~Reason: To avoid potential cumulative effects on local communities and environment from the concurrent working of Bartlett's Quarry and Torr Works Quarry.~~

#### SCREENING BANKS AND SOIL MANAGEMENT

32. The environmental banks on the boundaries of the site shall be retained for the duration of the winning and working of minerals.

Reason: To ensure the appropriate visual and acoustic screening of the quarry in accordance with Policies DM1 and DM8 of the Somerset Minerals Plan.

43. No topsoil or subsoils shall be removed from the complex or used otherwise than for restoration purposes.

Reason: To ensure the availability of soils to assist in the restoration of the quarry in accordance with Policy DM7 of the Somerset Minerals Plan.

54. In the restoration of the complex subsoil shall not be used as topsoil, and subsoil shall not be placed on topsoil unless the Mineral Planning Authority in writing agree otherwise for specific locations.

Reason: To ensure the availability and proper management of soils to assist in the restoration of the quarry in accordance with Policy DM7 of the Somerset Minerals Plan.

#### LANDSCAPING

65. A scheme and phased programme relating to Bartlett's Quarry for the landscape treatment of the quarry benches and any fencing proposals shall be submitted in writing to the Mineral Planning Authority within six months of the date of the Decision Notice and approved in writing by the Mineral Planning Authority. Trees, bushes and hedges planted in accordance with the approved scheme shall be maintained to the satisfaction of the Mineral Planning Authority and any trees or plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Mineral Planning Authority gives written consent to any variation.

Reason: To ensure that landscaping of the quarry is undertaken in a timely manner in accordance with Policy DM1 of the Somerset Minerals Plan.

76. All planting shall be carried out within the first available planting season following the completion of each quarry bench in accordance with the approved scheme and programme as agreed under Condition 65.

Reason: To ensure that landscaping of the quarry is undertaken in a timely manner in accordance with Policy DM1 of the Somerset Minerals Plan.

87. No felling or removal of trees and hedgerows shall be undertaken within the site unless the prior agreement of details, including provision for replacement planting, has been obtained from the Mineral Planning Authority.

Reason: To ensure the retention of vegetation that contributes to the local landscape and biodiversity in accordance with Policies DM1 and DM2 of the Somerset Minerals Plan.

#### OUTPUT

98. The total output of Carboniferous Limestone from the Coleman's Quarry complex shall not exceed 2.8 million tonnes over the 36 calendar months commencing on the first day of the month following that in which this Decision Notice is dated or over any subsequent period of 36 calendar months.

Reason: To ensure that the scale of operations and traffic movements does not adversely local communities and the highway network in accordance with Policies DM8 and DM9 of the Somerset Minerals Plan.

109. The operators shall maintain records of their monthly output and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least the 36 months or subsequent periods notified under Condition 98.

Reason: To facilitate monitoring of the impacts of the quarry in accordance with Policies DM8 and DM9 of the Somerset Minerals Plan.

#### WASTE MATERIAL

110. Unless otherwise approved in writing with the Mineral Planning Authority no waste shall be deposited on the site other than quarry waste arising within the complex.

Reason: To limit the number of traffic movements to the site in accordance with Policy DM9 of the Somerset Minerals Plan.

#### WORKING HOURS

111. Save in exceptional circumstances to maintain safe quarry working (which shall be notified in advance to the Mineral Planning Authority), or unless the Mineral Planning Authority has agreed otherwise in writing, there shall be no primary crushing, primary screening, or face working operations including the loading of dump trucks at the complex except between 0600 and 2000 hours Mondays to Fridays and 0600 to 1200 hours Saturdays. There shall be no such work on Sundays or Bank holidays or National holidays.

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

#### METHOD OF WORKING

112. Development shall proceed only in accordance with the phasing details shown on Drawings Nos ~~297/11, 297/12 and 297/13 dated March 1993 and described in planning application Ref: 077905/007 and supplementary information or such~~

~~other phasing as may be agreed in writing by the Mineral Planning Authority CQ PS-2 and CQ PS-3.~~

Reason: To ensure that development of the quarry is undertaken in an appropriate phased manner.

~~4413.~~ Except within the area of the water compensating pond no extraction shall take place within the site below 120 metres AOD.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

~~4514.~~ No excavation shall take place at a horizontal distance of less than 3 metres from the planned edge of the excavation which is the inner edge of the peripheral bunding as shown on Drawing No 297/13 CQ PS-1 dated July 1990 March 2020 and submitted with the planning application. When the working face advances to 40 metres horizontal distance from the planned edge, a geotechnical assessment shall be made and no extraction shall take place at a horizontal distance of less than 30 metres from the planned edge unless measures have been agreed in writing with the Mineral Planning Authority to ensure the safety of the site's boundary.

Reason: To ensure that mineral development has no adverse impact on the stability of neighbouring land in accordance with Policy DM10 of the Somerset Minerals Plan.

~~4615.~~ Dust suppression will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, ~~1<sup>st</sup> February 2008~~ December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

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

~~4716.~~ No new crushing or screening plant shall be installed at the complex otherwise than in accordance with details previously submitted in writing and approved by the Mineral Planning Authority.

Reason: To ensure that the Mineral Planning Authority retains control over new plant and to limit the potential adverse impacts on local communities in accordance with Policy DM8 of the Somerset Minerals Plan.

~~18. Within six months of the date of this decision, a revised Environmental Scheme, addressing dust suppression and the monitoring of noise and blasting, shall be submitted to the Mineral Planning Authority. On its approval by the Authority, the Scheme shall replace the current Environmental Scheme referred to in Conditions 16, 22 and 27.~~

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

## NOISE

~~4917.~~ Between the hours of 0600 and 2000, the noise levels arising from the winning and working of minerals or from any ancillary operation within the complex shall

not exceed 47 dB LA<sub>eq</sub> (1 hour) free field at any existing noise sensitive property constructed before the first day of this permission.

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

~~2018~~. Between the hours of 0600 and 2000, the noise levels arising from the winning and working of minerals or from any ancillary operation shall not exceed 47 dB LA<sub>eq</sub> (1 hour), free field at Castle Hill Farm except when working is on the top bench when levels shall not exceed 50 dB LA<sub>eq</sub> (1 hour).

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

~~2119~~. Between the hours of 2000 and 0600 the noise levels arising from the winning and working of minerals or from any ancillary operation within the complex shall not exceed 42 dB LA<sub>eq</sub> (1 hour) free field at any existing noise sensitive property constructed before the first day of this permission.

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

~~2220~~. Noise monitoring will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, ~~1<sup>st</sup> February 2008~~ December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

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

~~2321~~. Noise mitigation measures shall be used on the existing plant in Orchard Quarry to reduce noise levels currently experienced in Holwell due to quarry operations. Such measures shall include a programme of encapsulation of crushers and screens.

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

~~2422~~. The noise conditions and the monitoring scheme shall be reviewed by the Mineral Planning Authority and the operator at intervals of 24 months after ~~approval of the revised Environmental Scheme required by Condition 18~~ the date of this planning permission and may be varied by mutual agreement to improve the effectiveness of the scheme.

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

## BLASTING

~~2523~~. Unless otherwise agreed by the Mineral Planning Authority no blasting shall be carried out except between the following times:

0700 to 1900    Mondays to Fridays

0700 to 1200    Saturdays

There shall be no blasting or drilling operations on Saturday afternoons, Sundays or Bank holidays or national holidays.

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

~~26~~24. Ground vibration from blasting shall not exceed a peak particle velocity of 9mm/second at, or near, the foundations of any vibration sensitive building or residential premises. The measurement to be the maximum of three mutually perpendicular directions taken from the ground surface.

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

~~27~~25. Blast monitoring will be carried out for the duration of the operations hereby approved in accordance with the measures of the approved Environmental Scheme (Advance Environmental, ~~4<sup>st</sup> February 2008~~ December 2020) or any subsequent scheme that may be approved by the Mineral Planning Authority.

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

#### WATER RESOURCE PROTECTION

~~28~~26. Unless a new scheme has been agreed in writing with the Mineral Planning Authority, the operator will comply with the "Scheme for Water Resource Protection" dated 11 January 1993, which has been agreed with the National Rivers Authority (now the Environment Agency). A new scheme for Water Resource protection shall be submitted in writing to and agreed in writing by the Mineral Planning Authority, within 6 months of the date of this decision notice. The new scheme shall then be implemented for the duration of the permission unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

~~29~~27. Unless otherwise agreed in writing with the Mineral Planning Authority, the operator shall recharge the water compensating pond if such recharge shall in the opinion of the Mineral Planning Authority be rendered necessary by sub-water table mineral working at Coleman's Quarry. The water used for this purpose shall be the water so extracted from Coleman's Quarry or such other water as the Mineral Planning Authority may approve in writing but shall in either case comply with such standards of quality as the Mineral Planning Authority may specify in writing.

Reason: To limit potential impacts on groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

#### PREVENTION OF POLLUTION

~~30~~28. All oils, lubricant and other pollutants shall be handled on the complex in such a manner as to prevent pollution of any watercourse or aquifer.

Reason: To limit potential impacts on surface water and groundwater within the local water environment in accordance with Policies DM4 and DM5 of the Somerset Minerals Plan.

3429. Facilities shall be installed and maintained to ensure that the wheels and chassis of vehicles are cleaned prior to leaving the complex or to crossing the A361 from Crees Quarry to Orchard Quarry.

Reason: To limit the transfer of mud and other debris onto the public highway in the interests of the safety of road users and public amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

#### SHEETING OF LORRIES

3230. All loaded lorries leaving the complex, except for vehicles less than three and a half tonnes gross vehicle weight, part-loaded articulated lorries and lorries carrying stones in excess of 500 mm shall be adequately sheeted to secure their loads.

Reason: To limit the spillage of transported aggregates onto the public highway in the interests of the safety of road users and public amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

#### AFTERUSE

3331. Progress with the restoration and aftercare scheme shall be reviewed at least once in each calendar year with the Mineral Planning Authority before the start of the Autumn / Winter planting season.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

3432. Within two years of written notification from the Mineral Planning Authority that they have reasonable cause to believe that any buildings, structures or machinery remaining on the complex are no longer required for the purposes for which they are installed or erected and that the Mineral Planning Authority has determined accordingly, all buildings, structures or machinery to which such determination relates shall be removed from the complex.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

3533. Not later than 21<sup>st</sup> August 2041 or the permanent cessation of quarrying, whichever is the sooner, a detailed scheme, for the restoration and aftercare of the complex and of all land held by the operator in connection with it shall be submitted to the Mineral Planning Authority for approval. The scheme shall be implemented within six months of its approval or such longer period as may be agreed with the Mineral Planning Authority and shall include the removal of the quarry plant when no longer required for the processing of stone from the complex.

Reason: To ensure that restoration and aftercare of the quarry progress in a timely manner in accordance with Policy DM7 of the Somerset Minerals Plan.

3634. On the permanent cessation of operations or their temporary cessation for a period of two months or longer, the complex shall be maintained in a manner

such that it poses no danger to members of the public. An effective fence, details of which are to be approved by the Mineral Planning Authority before its construction, will be erected where necessary to prevent unauthorised access.

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

## ECOLOGY

~~3735~~. Within six months of the date of this Decision Notice Prior to the recommencement of extraction a bat habitat management plan for Bartlett's Quarry shall be submitted in writing to the Mineral Planning Authority for approval identifying:

- the conservation of existing wildlife features of importance to bat species;
- the management of existing vegetation in the interests of bats;
- a restoration scheme identifying appropriate mitigation and protection measures for bats; and
- timetable for implementation of management measures.

The measures identified will be implemented upon written approval of the scheme by the Mineral Planning Authority.

Reason: To ensure the appropriate management and enhancement of habitat suitable for bats in accordance with Policy DM2 of the Somerset Minerals Plan.

~~3836~~. No external lighting shall be used within Bartlett's Quarry unless a "lighting design for bats" has been submitted to and approved in writing by the Mineral Planning Authority. The lighting design shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through the provision of 'lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their resting places.

All external lighting that may be installed shall be in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: To ensure that any new lighting is installed in a manner that does not adversely affect bats species within and near the quarry in accordance with Policy DM2 of the Somerset Minerals Plan.

9.2 **In respect of application SCC/3748/2020, it is recommended that the following modifications are made to the S106 Agreement relating to Torr Quarry [with deletions from the extant clauses shown struck through and additions shown underlined], and that authority to undertake any minor editing which may be**

**necessary to those modifications be delegated to the Service Manager –  
Planning & Development:**

*Amend Clause 11.1:*

“Not to resume extraction of carboniferous limestone or de-watering within Colemans Quarry until such time as the commercial extraction of carboniferous limestone from the Operative Torr Land and associated de-watering as authorised by any subsisting and current planning permission shall have permanently ceased and written notification of such cessation has been provided to the LPA. Following resumption of de-watering within Coleman’s Quarry, no further extraction of carboniferous limestone or associated dewatering shall be undertaken within the Operative Torr Land.”

*Add new Clause 11.3:*

“Not to resume extraction of carboniferous limestone within North Quarry, Orchard Quarry and Crees Quarry until an updated set of working and restoration conditions have been submitted to and approved in writing by the Mineral Planning Authority.”

*Add new Clause 11.4:*

“The total combined annual output of carboniferous limestone from Coleman’s Quarry and the Operative Torr Land that is transported by road shall not exceed 3 million tonnes. The operators shall maintain records of the monthly output and means of transportation from these quarries and shall make them available to the LPA at any time upon request.”

## **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:

- SMP2: Crushed rock supply and landbank
- SMP3: Proposals for the extraction of crushed rock
- 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

*Mendip Local Plan Part I: Strategy and Policies 2006-2029 (Adopted 2014)*

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

- DP1: Local identity and distinctiveness;
- DP3: Heritage conservation;
- DP4: Mendip's landscapes;
- DP5: Biodiversity and ecological networks;
- DP6: Bat protection;
- DP7: Design and amenity of new development;
- DP8: Environmental protection; and
- DP9: Transport impact of new development.

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 Mendip Local Plan Part II: Sites and Policies (emerging).

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.