

Somerset County Council Regulation

Committee – 6 May 2021

Report by Service Manager – Development and Planning

**Application Number:** SCC/3787/2021

**Date Registered:** 8 January 2021

**Parish:** West Camel

**District:** South Somerset District Council

**Member Division:** Camelot Ward

**Local Member:** Councillor Mike Lewis

**Case Officer:** Ruth Amundson

**Contact Details:** [RAmundson@somerset.gov.uk](mailto:RAmundson@somerset.gov.uk). Tel: 01823 358254

**Description of Application:** Planning Application for the Extraction of White Lias Limestone at Slate Lane, West Camel, Somerset.

**Grid Reference:** **Easting** - 357331, **Northing** - 125646

**Applicant:** Ham & Doulting Stone Company Ltd, Ham & Doulting Stone Company Ltd

**Location:** Slate Lane, West Camel, Somerset.

## 1. **Summary of Key Issues and Recommendation(s)**

1.1 This is a full application for planning permission for the extraction of 42,000 tonnes of white lias stone over 14 years. The site lies to the north of the A303 in West Camel and is currently in agricultural use.

The main issues to consider are:

- planning policy considerations;
- highways and traffic;
- ecology;
- landscape
- heritage assets
- drainage and flood risk
- groundwater and pollution
- amenity; and
- other environmental impacts and their control.

**It is recommended that planning permission be GRANTED subject to the imposition of the conditions set out in section 9 of this 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 Strategic Commissioning Manager – Economy & Planning**

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

2.1 The site forms part of an agricultural field located 0.3 kilometres north of the A303, near Downhead. The site extends to approximately 1.4 hectares immediately to the north of Slate Lane, a restricted Byway aligned in an east-west direction from Steart Hill to Downhead. The site is surrounded to the north, east, south and west by agricultural fields. The boundaries on the north, east and south are marked by existing mature hedgerow.

2.2 The nearest houses are located 325 metres to the east of the application site on Steart Hill. The village of West Camel lies to the south of the A303.

2.3 The current use of the land is for grazing. There is a small agricultural building in the south west corner adjacent to the entrance.

2.4 Vehicular access is proposed to follow a route from the grain store at Steart Hill Farm via an existing agricultural track. Access to the field is gained from a gate in the south east corner, adjacent to Slate Lane.

2.5 The site rises in a gentle gradient to 65 metres AOD in the south west corner of the field.

## **3. The Proposal**

3.1 The application proposes the extraction of White Lias limestone for use as building stone. The applicant company operates a family run business which has been extracting and processing building stone since the 1960s. The company operates Ham Hill Quarry North, Stoke sub Hamdon and Tout Quarry to extract Ham stone and Blue Lias Limestones respectively. The extracted stone is stored, processed and sold at the company's masonry works at Tout Quarry, Charlton Adam, Somerset.

3.2 The proposal involves the extraction of stone in two phases using a single excavator in short campaigns of up to two days duration followed by restoration to agricultural land when mineral extraction was complete. Stone would be transported to Tout Quarry for cutting and dressing in up to five loads (10 vehicle movements) a week.

3.3 During the first phase of the development soils would be stripped and stored in three-metre high, grassed bunds around the extraction area, which would measure 0.7ha. Extraction would take place to a depth of between three and six metres over a period of 14 years in total. The extracted stone and any indigenous waste materials will be stored in the bunded area below the height of the screen bunds or used to restore previously quarried area.

3.4 Up to 50% of the stone extracted is expected to be unsuitable for sale and would be stored on site and used restore the site to near original levels due to the bulking up factor of the waste. Up to 15% of the stone taken off site would also be backhauled after processing to be used in restoration. Phase two would progress in a similar manner.

3.5 Once the restored landform has been created, the topsoil bunds would be dismantled and the recovered soils spread over the site. An agricultural grass seed mix would be sown to stabilise the soils and return the site to productive agriculture, subject to a 5 year aftercare period.

3.6 The quarry is expected to yield between 21,000 and 42,000 tonnes of saleable stone. With a proposed output of 3,000 tonnes per annum, the quarry would have a maximum life of 14 years.

3.7 Hours of operation are proposed to be 07.00-18.00 Monday to Friday, 07.00-13.00 on Saturdays, and no working would take place on Sundays or Public holidays. The applicant states that two new full-time jobs would be created and eight existing jobs safeguarded. In addition, the proposal would benefit the local economy and local suppliers.

#### **4 Background and planning history**

4.1 This is an application for planning permission for a new building stone quarry. There is no relevant planning history.

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

5.1 Plans and documents submitted with the application

- Application form, certificates and fee
- Application letter
- Supporting Statement and appendices A,B,C,D,E,F,G dated 22 12 20210
- Drawing no. 803.01 rev2 Location plan
- Drawing no. 803.02 rev2 Site plan
- Drawing no. 803.03 rev2 Topographical survey
- Drawing no. 803.04 rev2 Phase 1 working plan
- Drawing no. 803.05 rev2 Phase 2 working plan
- Drawing no. 803.06 rev2 Restoration plan
- Drawing no. 803.07 sections

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

6.1 The proposed development falls within schedule 2 of the 2017 EIA regulations. The application has been screened and it is not considered to be EIA development.

6.2 The quarry would be small-scale and the effects would be limited and experienced over a temporary period of 14 years. The potential impacts, including noise, dust, additional traffic movements, loss of agricultural land, visual impact, landscape impact, impact on ecology and habitats and impact on heritage assets are capable of mitigation through the imposition of planning conditions.

6.3 The site is not within or close to a sensitive area, the site area is less than 15 hectares (1.4ha) and at 3,000tpa the output would be less than the threshold of 30,000tpa where EIA is more likely. In view of this and having regard to the selection criteria, the proposal is unlikely to generate significant environmental effects or effects over a wider than local area. Restoration of the site would significantly reduce the effects in the longer term and offers the opportunity for environmental enhancement.

## **7. Consultation Responses Received**

### External Consultees

#### 7.1 Environment Agency

The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions to ensure:

- The remediation of any contamination found during the development
- A scheme for the prevention of pollution of the water environment during construction
- Details of any storage of oil, fuel or chemicals to be agreed with the local planning authority to prevent pollution of the water environment

An advisory note is also requested to advise the applicant that, should waste materials be used in engineering or landscaping operations, a waste management licence may be required and if waste is disposed of off-site, it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

Whilst this site is not in a highly designated/sensitive water resources area, the operation of the site as a quarry will expose the shallow limestone Secondary Aquifer to contamination. If contamination occurs this is likely to be transferred rapidly to local springs and ponds. Therefore, the operation of the site should be to a high standard of environmental protection.

#### 7.2 Wessex Water

No comments were received

#### 7.3 South West Heritage Trust

The submitted archaeological evaluation and geophysical survey reports show that this site contains features dating from the early Iron Age to the late Roman periods including some inhumations

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of conditions attached to any permission granted to secure a programme of works in accordance with a written scheme of investigation.

#### 7.4 Highways England

Referring to the planning application referenced above and proposals for the extraction of white lias limestone at Slate Lane, West Camel, Somerset, notice is hereby given that Highways England's formal recommendation is that we offer no objection.

#### 7.5 West Camel Parish Council

The West Camel Parish Council Planning Committee met virtually via Zoom yesterday afternoon (03/02/21) to discuss this application and would like to make the following observations to the Planning Officer:-

Archaeology – this area is known locally to contain a significant amount of archaeological remains and the applicant's survey report confirms this. West Camel PC would hope that SCC will consider this when deciding the application, especially as there is a very similar quarry less than half a mile away?

Reinstatement – Councillors are concerned that the volumes of material proposed to be extracted (25,000 – 50,000 tonnes) will require significant back-fill if the area is to be reinstated to existing levels. Although the application states in section 3.7 of the Planning Application that 50% of the excavated stone will remain on site to be used as backfill, this still leaves a significant amount of back-fill to reach existing ground levels upon reinstatement. The Application does also state that some 'indigenous material' will be returned from Tout Quarry, in 'empty' lorries included in the 5 return vehicle movements per week. How do SCC Plan to verify the type of material being returned to site?

Councillors note, that the application does not include an application to tip waste, but are none the less concerned that the opportunity to back-haul significant volumes of non-indigenous waste, will result in additional vehicle movements. This will exacerbate the existing HGV issues along Steart Hill and Steart Lane, local residents currently suffer as a result of grain drying and haulage created by Steart Hill Farm.

Other than the above mentioned observations, West Camel Parish Council are minded to not object to this application.

#### 7.6 South Somerset District Council

Please note the council has no comments to make on this application and rely on you to liaise with those neighbours that are most affected and conduct the necessary consultations as part of the decision making process.

## Internal Consultees

### 7.7 SCC Ecology

The site does not appear to have any significant ecological constraints. However it will be necessary to confirm if lighting will be present and bat activity mitigation required. A condition is also required to secure a CEMP and a Biodiversity Enhancement and Management Plan to ensure the proposal adheres to NPPF (para 170) and The Somerset Minerals Plan (Adopted February 2015) Policy DM2 (Biodiversity and Geodiversity). Plans to restore to agriculture will need to include biodiversity net gain, which will likely include a meadow grassland area for this location.

### 7.8 Minerals and waste policy team

The SMP takes a positive approach to the supply of local building stone, including white lias limestone, and the specific colour stone, that is found at this particular site. It is identified as a needed stone and the specific stone and colour finish is unique and not currently worked elsewhere. It is considered that the scheme has met the economic benefit requirements and identified need for this specific stone to meet the requirements of part A and B of Policy SMP5. Subject to the advice of technical specialists in regard to parts C and D of Policy SMP5, it is considered that the proposed development would be in accord with Policy SMP5. In addition, provided an agreed restoration and aftercare scheme is conditioned as part of any planning approval, Planning Policy have no objection this application.

### 7.9 Acoustics specialist

Based on my predictions I do not consider noise impacts sufficient to substantiate planning objection. I have recommended a number of conditions necessary to limit potential escalation of noise with a further requirement to mitigate the noise from tonal reverse warning alarms.

The planning statement suggests that site noise would be sporadic over the 14-year life of the quarry and noise levels will reduce as the excavator adopts a lower working position in the quarry. It is inferred that noise need only be of limited duration if excavator activity is to only support the five HGV departures per week as suggested (3.18).

In my view, engine noise from the site will be masked by the noise from A303 traffic but this may not be sufficient to mask impulsive aspects of quarrying noise and working method can help these aspects become less distinctive. However, average operational levels are predicted to remain within acceptable limits defined by mineral planning guidance.

The background noise levels presented by the Impact Acoustic report, in my view, indicate a nominal background level of 35dB(A) under wind conditions prevailing from the site and levels would appear greater when wind carries noise from the A303. Mineral guidance would suggest the operating noise limit should not exceed 45dB(A) under these westerly conditions and my predictions would suggest an excavator working behind a 3m bund would not exceed 40dB(A). As such I consider

a noise limit of 45dB(A) to be reasonable and practicable. Noise during surface operation before bund construction would be greater at 50dB(A) but would be classified as a temporary mineral operation necessary for quarry development. As such mineral guidance allows for greater noise of up to 70dB(A) over a period of up to 8-weeks.

I therefore consider the expected noise levels from this development to be permissible under current minerals guidance and as such, I do not consider the noise impacts of the proposal sufficient to justify a planning objection.

I would recommend the Mineral Planning Authority ensure noise impacts are effectively mitigated and reduced to a minimum for the operation described. At present these extraction operations would appear limited and sporadic and I have confirmed there to be no intention for the use of hydraulic hammers (peckers), mechanised processing or screening of stone at the site. I have therefore recommended a condition to exclude these operations from site activity so as to prevent unforeseen increases in noise impact.

While the plant used on site is limited to an excavator and a lorry there would appear potential for distinctive noise of tonal reverse warning alarms to be present. The requirement to activate a reverse warning alarm on the excavator or the lorry would in my view not appear necessary under the single operator working situation described by the applicant. I also note the applicant intention is not to use reversing beepers(PS 5.20). If deactivation is not possible then the modification of reversing alarms from tonal to broadband devices is recommended.

A number of conditions are suggested to minimise noise impact.

#### 7.10 Flood risk management

No objection in principle subject to a condition requiring a scheme of surface water drainage to be agreed so that any surface water runoff during operation is discharged at a rate and volume no greater than greenfield runoff rates and volumes, and that post operation (restoration) the site is restored to greenfield conditions.

Informative notes should also be provided to the applicant in respect of the information the LLFA will expect to receive in order to discharge the conditions.

#### 7.11 Transport Development Group

The information presented as part of this application, and the assessments undertaken by this Authority highlight the following salient points;

- Maximum of 5 lorry loads per week
- Existing access constructed for use by HGVs
- Dedicated haul road across private land to access the quarry
- Easy access to the A303
- Steart Hill does not show any collision data reported to this Authority

This is a predominantly agricultural area and as such, due to different agricultural processes, there is already a fluctuating level of HGVs on the local road network. The addition of five extra vehicles per week is not considered to be cause for concern in this location. It is noted that Public Footpath Y27/9 and Restricted Byway Y27/20 run adjacent or close to this site and as such a consultation with SCC Public Rights of Way should be undertaken.

The Highway Authority does not wish to raise any objections to the proposal as submitted

## **7.12 Public Consultation**

The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification to local residents by letter. In response, one objection and one comment have been received from local residents. Full copies of the representations are available in the individual application records on the County Council's website, but the main issues raised are:

- HGV Traffic impact on Steart Hill, which is steep in places
- Lorries should only access the site between 9am and 5pm Monday to Friday
- HGVs turning right onto A303 towards Tout Quarry would present a hazard to other traffic
- Hours of operation should be restricted to daylight hours
- Impact of the proposal on footpaths in the area

## **8. Comments of the Service Manager – Planning Control, Enforcement & Compliance**

8.1 The key issues for Members to consider are:-

Planning policy context

Environmental impact, including noise and dust

Amenity impact

Highways and transportation impact

Any impact on heritage assets in the local area Any

impact on ecology and biodiversity Groundwater

and surface water drainage Flood risk

## **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 comprises the following documents. Policies of relevance to this proposal are listed in Section 10 of this report:

- Somerset Minerals Plan (adopted 2015)
- South Somerset Local Plan (adopted 2015)

## **8.3 Material Considerations**

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

- the National Planning Policy Framework, February 2019
- Planning Practice Guidance

## **8.4 Planning Policy**

### **8.4.1 National Planning Policy Framework (February 2019)**

The Framework sets out a presumption in favour of sustainable development and states that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay.

Paragraph 205 states that great weight should be given to the benefits of mineral extraction, including to the economy. Planning authorities should consider how to meet any demand for small-scale extraction of building stone near relic quarries needed for the repair of heritage assets, taking into account the need to protect designated sites and should recognise the small-scale nature and impact of building and roofing stone quarries and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

In addition, LPAs should ensure that there are no unacceptable adverse impacts on the natural and historic environment, ensure that any unavoidable noise or dust emissions are controlled and ensure high quality restoration and aftercare at the earliest opportunity.

### **8.4.2 South Somerset Local Plan**

The South Somerset Local Plan contains a long term spatial vision setting out what the district should look like in the future. It aims to promote safe, resilient, socially just, inclusive and sustainable communities providing employment, homes and services in close proximity with strong networks and confident people sharing respect for each other. The overarching aim is to deliver sustainable development in the district.

Policy SD1 sets out a presumption in favour of sustainable development, translated from the Framework.

Policy YC4 seeks to prevent built development in the Yeovil Airfield Flight Safety Zone to minimise hazards to the aerodrome.

Policy EQ2 promotes high quality development that promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. It sets out general criteria for new development to promote local distinctiveness and preserve the character and appearance of the district. The criteria most relevant to this proposal include:

- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;

Policy EQ3 states that new development should safeguard and where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

Policy EQ 4 sets out to protect the biodiversity value of land and buildings and to ensure that there is no net loss as a result of development.

Policy EQ7 states that Development that, on its own or cumulatively, would result in air, light, noise, water quality or other environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. This may be achieved by the imposition of planning conditions or through a planning obligation. New development should also not exacerbate air quality problems.

Policy TA5 relates to the transport impacts of new development.

#### **8.4.3 Somerset Minerals Plan Development Plan Document up to 2030 (adopted February 2015)**

The key policy is SMP5 (Extraction of Building Stone) of the Somerset Minerals Plan, which states as follows:

Planning permission for the extraction of building stone will be granted subject to the application demonstrating that:

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

Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c. The application site is within the area of search.

Building Stone is used for existing building restoration, conservation and extensions, as well as for new building work. Additional information is provided in Topic Paper 3: Building Stone (December 2012), prepared as part of the evidence base for the Plan. The winning, working and processing of building stone makes an important contribution to the mineral sector in Somerset and the Somerset Minerals Plan provides a positive policy framework to support investment in appropriate sites, facilities and skills. It sets out the importance of an adequate supply of building stone so that the local character of Somerset is maintained. The Plan highlights that the use of reconstituted or imported stone can produce different aesthetics or physical characteristics to local stone.

#### Need for the stone

Stone found at this site has unique characteristics, different from white lias extracted at Camel Hill. Moreover, the formation of the stone found at Slate lane occurs in longer lengths which is beneficial for specific Conservation work. Importantly, Topic Paper 3 identified white lias as a needed stone being in short supply with limited availability. Hence, the working of the white lias limestone found at Slate lane would enable a needed stone to be worked and its supply used in the local and wider area. This is considered to be of particular importance when seeking to conserve and enhance the historic built environment of local towns and villages.

#### Economic Benefits:

The proposal will generate 2 full time jobs and help sustain the wider workforce of 8 employees. In addition, additional businesses, including local suppliers, will benefit both directly and indirectly from the activity of the new business and consolidation of the current workforce/business.

#### Nature, Scale and intensity of the development.

The applicant has outlined that the stone will be extracted using 1 excavator on site, with a maximum of 5 loads per week transported via HGV to their Tout Quarry site for processing. From a quarrying perspective this is considered to be a small scale operation. Provided that the applicant is able to satisfactorily demonstrate that there shall be no unacceptable adverse impacts, and that the scheme includes measures as required to adequately mitigate any adverse impacts, it is considered that the proposed development would comply with Policy SMP5 of the SMP.

#### Restoration and Aftercare

In addition to the above, Policy DM7 of the SMP requires an applicant to demonstrate how they will provide satisfactory restoration and aftercare. The applicant has submitted plans showing the proposed restoration plan and 5 year aftercare plan. Those details have been assessed by relevant consultees and the responses indicate that the requirements of Policy DM7 of the SMP are met. Parts C and D area considered below.

The SMP takes a positive approach to the supply of local building stone, including white lias limestone, and the specific colour stone, that is found at this particular site. It is identified as a needed stone and the specific stone and colour finish is unique and not currently worked elsewhere. It is considered that the scheme has met the

economic benefit requirements and identified need for this specific stone to meet the requirements of part A and B of Policy SMP5. Parts C and D of the policy are considered below.

#### **8.4.4 Effects on the character of the local area**

##### Landscape and Visual Amenity

Policy DM1 of the SLP states that planning permission will be granted for mineral development where the proposal would not generate unacceptable adverse impacts on the landscape and on visual amenity and where measures are proposed to mitigate any impacts on landscape and visual amenity.

The relevant national and local character assessments should be taken into account.

The site is not within an area designated for its landscape value. Nevertheless, the surrounding area is characterised by a pleasant rural landscape made up of agricultural fields with hedgerow marking the field boundaries. There are scattered groups of houses, the nearest approximately 300 metres to the east, and large-scale agricultural buildings to the north and west at a distance of more than 500 metres.

Agriculture is the main influence on this rural landscape, although the A303 to the south is also important and detracts from the tranquillity to a degree, as does RNAS Yeovilton. The site forms part of a predominantly a rural, modern working landscape.

The site falls within the Yeovil Scarplands national character area. The Yeovil scarplands run in an arc, from the Mendip Hills around the southern edge of the Mid Somerset Hills and the Somerset Levels and Moors to the fringes of the Blackdowns. This remote, rural landscape comprises a series of broad ridges and steep scarps separating sheltered clay vales. Small woodland blocks, designated as local wildlife sites, break up the landscape.

Local stone in plays an important part in the local vernacular and building materials reflect the varied geology of the area which contains a variety of limestones and sandstones from which distinctive local character is derived. Quarrying is a traditional rural industry in this area and there are several small quarries in the area, some of which are disused.

The site is located on a low ridge on the West Camel hill and rises from 60 metres AOD on its northern edge to 65m AOD at the south western corner. Views of the site are filtered by trees and hedgerow and inter-visibility is restricted to close views (within 200 metres) from Slate Lane and footpath Y27/9. Therefore, while the quarry would be apparent in the landscape, it would not adversely affect the established visual character as a whole.

Quarrying would change the character of the immediate surroundings but the site is well-contained by existing boundary treatments, which the applicant proposes to strengthen. Phased restoration would limit the extent of the quarry and final restoration after 14 years would return the site to agriculture. Overall it is considered that the proposed quarry would not be significantly detrimental to any of the key

characteristics of the landscape. Adverse impacts during the operational period would be temporary and short to medium term and would be offset by the enhancement of existing hedgerow.

The proposal is in accordance with policies SMP5 d), SSLP EQ2 and NPPF paragraph 205 (b) and paragraph 127(c)

### Protecting local amenity

SMP Policy DM8 states that applications should demonstrate that the development will not generate unacceptable impacts on local amenity in terms of vibration, dust, odour, noise and lighting and that appropriate mitigation is proposed. In addition, the applicant is encouraged to engage with local communities throughout the life of the site. SSLP policy EQ7 requires the control of air, water, noise, light or other pollution. Paragraph 205c of the NPPF requires MPAs to ensure that unavoidable noise, dust and particle emissions or blast vibration is removed, controlled or mitigated at source and advises that noise limits should be established for extraction close to noise sensitive properties.

### Noise

There are eight houses within 400 metres of the site. The nearest sensitive buildings are on Steart Hill at a distance of approximately 320 metres. Other properties in Downhead are further away at a minimum of 520 metres and screened from noise effects by rising topography.

Ambient conditions are currently influenced by traffic on the A303. Background noise is relatively low at between 35 – 37 dB(A).

The site would be operated using a single excavator. Additional noise sources would be a single HGV with 16 tonne capacity used to transport stone from the site and operated by the same operative as the excavator. Therefore, the excavator and HGV would not be running at the same time.

Noise from the HGV and the excavator would be noticeable at the nearest houses, particularly impulsive noise, but would remain below 50dB(A). A three-metre high bund is proposed on the boundary during mineral extraction operations which would provide noise attenuation and as the depth of working increased more protection would be offered. Activity carried out behind a three- metre bund would be likely to reduce to 40dB(A).

Noise generated by the proposed quarry would, therefore, be well within the tolerance of background plus 10dB(A) set out in guidance. Removal of overburden and construction of the bund would represent temporary operations for which guidance allows for levels of up to 70dB(A) for a temporary period not exceeding eight weeks, although it is not likely to exceed 50dB(A) based on the assessment. Readings taken by SCC acoustics specialist indicate that noise from site preparation and during mineral extraction would remain well within the acceptable levels set out in mineral planning guidance.

Noise would be intermittent as the quarry would only be operational to support five HGV loads per week. A noise limit, imposed via conditions of 45dB(A) would be reasonable and practical and the applicant has confirmed that this would be acceptable.

A condition would also be required to prevent the use of hydraulic hammers or processing of stone since these did not form part of the application and the assessment of noise impact. A noise management scheme covering such matters as reversing warning devices, maintenance of plant and minimising drop heights should also be required by condition.

Subject to suitable conditions the proposal complies with policies SMP DM8, SSLP EQ7 and NPPF paragraph 205(c).

### Dust

The extraction of stone has the potential to generate dust emissions. However, SLP paragraphs 7.17 and 7.18 recognise that modern building stone quarries are relatively quiet and aim to extract stone without undue fracturing to maximise the yield. Compared to aggregate quarries, where blasting, crushing and screening take place, the associated impacts are more easily managed with appropriate conditions.

There are a number of techniques that can be used to minimise dust emissions outside the site, and the proposed bunds, together with the distance between the site and sensitive properties, as well as the intermittent and small scale of working mean that unacceptable levels of dust are unlikely to occur. However, a dust management scheme can be required by condition setting out the measures proposed to minimise dust from the site and the haul road.

Subject to a condition requiring a dust management scheme to be implemented throughout the proposed development, the proposal is in accordance with SMP policy DM8, SSLP policy EQ7 and NPPF paragraph 205c

### Lighting

No lighting is proposed. The quarry would be worked only during daylight hours. As the impact of lighting on bats and on local residents has not been assessed as part of this proposal, a condition is proposed to ensure that any future proposals to introduce lighting are subject to such assessment.

### Vibration

No blasting is proposed. The stone will be removed by mechanical means. Given the nature of the proposal, it is unlikely that blasting would be required in the future. However, a condition is suggested so that the impact of any future proposals is properly assessed.

### Highways and transportation

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. Particular regard should be given to highway safety, road alignment, proximity to buildings, air quality, the impact on capacity and of construction and disruption to local communities

Consideration should be given to alternatives to road transport. However, this application is for small-scale mineral extraction and the use of water or rail transportation is neither practical nor viable given the lack of existing facilities.

Access is proposed to be taken from Steart Hill at an existing access point which currently serves the grain store at Steart Farm. From there a track leads to the entrance to the application site, 645 metres to the south west. Steart Hill joins the farm access 500 metres north of the A303.

The highway authority has not raised objection to the proposal on the basis that the increase in vehicle movements would be relatively small, the site has easy access to the strategic road network, the existing access onto Steart Hill is designed to accommodate heavy goods vehicles associated with agriculture and the haul road would not use the public highway. The road safety record of Steart Hill is good and there is nothing to indicate that the proposed development would present a threat to road safety.

This is a predominantly agricultural area and there is already a fluctuating level of HGVs on the local road network. The addition of five extra vehicles per week is not considered to be cause for concern in this location.

It is noted that Public Footpath Y27/9 and Restricted Byway Y27/20 run adjacent or close to this site.

The proposed development is, therefore, considered to be in accordance with policies SLP DM9, SSLP and NPPF paragraph 108(b).

#### **8.4.5 Environmental impacts**

##### The water environment

Proposals for mineral extraction below the water table will only be permitted where certain criteria set out in policy DM5 are met. However, the application does not propose mineral extraction below the water table. The depth of the excavation would reach a maximum of six metres below the surrounding ground level.

The Environment Agency, the council's statutory advisor, has been consulted and raised no objection subject to the imposition of conditions to prevent pollution of the water environment both during construction and during operation.

The application is accompanied by a flood risk assessment which indicates that trial trenches did not encounter ground water. The nearest spring, which indicates the presence of ground water is located 400m to the North West at 30m AOD. The application area is located at 63m AOD at its lowest elevation while extraction will be limited to 57m AOD (6m below original ground level). The Development Proposals will therefore not encounter or interrupt ground water. The flood risk assessment concluded that the proposed development would not increase the risk of flooding in the surrounding area.

The only potential pollutant to be stored at the site would be oil and diesel, which would be stored in bunded containers. Spill kits would be available in vehicles.

Subject to appropriate conditions the proposal is in accordance with policies SMP DM4, SSLP EQ7 and NPPF paragraph 170e

#### Drainage and flood risk

MLP policy DM4 requires consideration of any adverse impacts upon the integrity and function of land drainage and water level management systems and the quality of ground and surface water resources where there is a risk of pollution. The environmental quality and visual value of the water resource should be taken into account together with any risk of flooding associated with the proposed development.

The Lead Local Flood Authority raised no objection subject to conditions to ensure a suitable sustainable system of drainage is maintained throughout the life of the development and in the restored site.

The application proposes that rainwater would be allowed to percolate through the quarry floor. No impermeable surfaces are proposed and no new infrastructure is proposed.

Therefore, the proposal is in accord with policies SMP DM4, SSLP EQ7 and NPPF paragraph 157.

#### Heritage considerations

SMP policy DM3 sets out that mineral development should not generate unacceptable effects on the historic environment that cannot be adequately mitigated and a desk-based assessment and field evaluation should be carried out where proposals affect the integrity or setting of a heritage asset.

The submitted archaeological evaluation and geophysical survey reports show that this site contains features dating from the early Iron Age to the late Roman periods including some inhumations. The developer should therefore be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by a condition attached to any permission granted to secure a programme of works in accordance with a written scheme of investigation before the commencement of the development. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results.

Subject to the archaeological investigation, the requirements of policy DM3 are met.

#### Ecology and biodiversity

MLP policy DM2 states that permission will be granted for mineral development where the proposal will not generate adverse impacts on biodiversity and geodiversity and appropriate measures are proposed to mitigate the effects arising

from the development to acceptable levels. As a last resort, compensation should be provided and the proposals should result in a net gain for biodiversity.

Regard should be had to any statutory or non-statutory designation, the site's sensitivity and function in maintaining biodiversity as well as its role in maintaining connectivity and resilience of the county's ecological networks.

The site is in use for agriculture and as intensively managed agricultural land its ecological value is low. Mature hedgerow on the boundaries would be retained and improved under the proposals.

The application has demonstrated that the proposal is not likely to have a significant adverse impact on ecology and complies with policy DM2 in the SMP, EQ4 in the SSLP and paragraphs 170 d and 205 b in the NPPF.

#### **8.4.6 Matters raised in objections**

- HGV Traffic impact on Steart Hill, which is steep in places and causes lorries to gather speed. The additional traffic would add to the effects experienced from traffic associated with the grain store at Steart Farm.

The application is for small-scale building stone extraction resulting in no more than 5 vehicle trips a week, which would travel a relatively short distance along Steart Hill to the A303. There is no reason to expect that vehicles would exceed the speed limit but in the event that they do powers are available under the Road Safety Acts to enforce the limits in force.

- Lorries should only access the site between 9am and 5pm Monday to Friday to limit disruption from HGV traffic

The proposed hours of operation are 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays. Bearing in mind the existing unrestricted use of the local roads by agricultural vehicles the proposed hours are considered to be reasonable.

- HGVs turning right onto A303 towards Tout Quarry would present a hazard to other traffic

Improvements are proposed to the A303 that will improve the junction. The number of lorry movements is low, which reduces the likelihood of accidents.

- Hours of operation should be restricted to daylight hours to avoid bright lights.

The applicant has confirmed that no lighting is proposed.

- Impact of the proposal on footpaths in the area

Both Steart Lane and footpath Y27/9 are outside the application site.

- Lorries may use Slate Lane as a shorter route to the quarry

This can be regulated by condition.

#### **8.4.7 Other material considerations.**

##### **Public Rights of Way**

Two public rights of way run near the site, although they are both outside the site boundary. The nearest is Slate lane, which runs to the south of the site and is separated from it by a mature hedgerow. The second is Y27/20 crosses the field in which the application site is located approximately 100 metres to the west of the application boundary.

##### **Conclusion**

The application is for small-scale extraction of building stone, for which there is an established local need. The development plan is generally supportive of such proposals providing that the environmental and amenity impacts are acceptable or can be made so by the inclusion of planning conditions.

The impacts on the environment and on the amenity of neighbouring land uses are assessed above and are found to be capable of mitigation to acceptable levels through the mitigation measures proposed in the application and through the imposition of planning conditions.

National planning guidance advises that great weight should be given to the benefits of mineral extraction. The proposed development would support local employment and the local economy, albeit in a small way. It would also ensure that suitable stone was available for the repair of historic buildings as well as for use in new build developments, promoting the distinctive character of the local area. Building stone quarries are an established rural industry in Somerset.

No objection has been raised by statutory consultees.

Therefore, it is considered that the proposal is in accordance with the development plan.

#### **9. Recommendation**

9.1 It is recommended that planning permission be granted subject to the following conditions

##### **COMMENCEMENT**

1. The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement shall be sent to the mineral planning authority within seven days of commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 and to enable the MPA to monitor the development.

## DEFINITION

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

aApplication form, dated 22 Dec 2020

- Supporting Statement and appendices A,B,C,D,E,F,G dated 22 Dec 2020
- A Drawing no. 803.01 rev2 Location plan
- p Drawing no. 803.02 rev2 Site plan
- p Drawing no. 803.03 rev2 Topographical survey
- l Drawing no. 803.04 rev2 Phase 1 working plan
- i Drawing no. 803.05 rev2 Phase 2 working plan
- € Drawing no. 803.06 rev2 Restoration plan
- a Drawing no. 803.07 sections
- t
- i
- o
- n

Reason: To define the permission.

## TIME LIMIT

3. This permission shall be limited to a period expiring on 31 December 2035. There shall be no working of building stone on the site after that date and the site shall be fully restored in accordance with the submitted details by 31 December 2036.

Reason: To ensure that the development is carried out in accordance with the application and to ensure that the site is satisfactorily restored within a reasonable timescale and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015- 2030.

4. In the event of the cessation of winning and working of minerals prior to 31 December 2035 which in the opinion of the mineral planning authority constitutes a permanent cessation within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act 1990, a revised restoration and aftercare scheme shall be submitted in writing to the MPA within 6 months of the cessation. Once approved the restoration scheme shall be fully implemented within 6 months from the date of approval and aftercare shall be carried out for a period of five years after the completion of restoration.

Reason: To ensure that the site is restored to a beneficial after-use in a timely manner to protect local amenity and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030.

**OPERATIONAL**

5. No operations or uses authorised or required by this permission shall be carried out on the site except between the following times:-

0700 hours and 1800 hours Mondays to Fridays; and 0700

hours and 1300 hours Saturdays.

There shall be no working on Sundays, Bank Holidays or National holidays

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

6. No waste other than waste stone derived from the application site shall be deposited on the site.

Reason: To define the extent of this permission and to protect the visual amenity of the area in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2002-2028.

7. No vehicles used in connection with the development hereby permitted shall enter or leave the site except between the following times:-

0700 hours and 1800 hours Mondays to Fridays; and 0700

hours and 1300 hours Saturdays.

There shall be no vehicle movements on Sundays, Bank Holidays or National Holidays.

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

8. The total output of materials from the site shall not exceed 3,000 tonnes in any calendar year. The operator shall retain such records as necessary to demonstrate the amount of material that has been removed and shall provide them on request to the mineral planning authority.

Reason: To minimise the likelihood of disturbance from the development and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

### **PROTECTION OF WATER RESOURCES**

9. Any surface water runoff during operation shall be discharged at a rate and volume no greater than greenfield runoff rates and volumes, and post operation (restoration) the site shall be restored to greenfield conditions including the provision of any drainage measures that are necessary to achieve this.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority (LPA). The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with Policy EQ7 of the South Somerset District Local Plan 2006-2028.

11. No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction and operational phases of development has been approved by the LPA. The scheme should include details of the following:

- Site security.
- Fuel oil storage, bunding, delivery and use.
- How both minor and major spillage will be dealt with.
- Containment of silt/soil contaminated run-off.
- Disposal of contaminated drainage, including water pumped from excavations.
- Site induction for workforce highlighting pollution prevention and awareness.
- Any facilities for the storage of oils, fuels or chemicals associated with this development

Once approved, the scheme shall be implemented in full throughout the duration of the development.

REASON: To prevent pollution of the water environment and in accordance with Policy EQ7 of the South Somerset District Local Plan 2006-2028

## **LIGHTING**

12. No permanent external lighting shall be used within the quarry extraction or other operational areas of the site.

Reason: To minimise disturbance to bats and to protect the amenity of the local area in accordance with Policies EQ4 and EQ7 of the

## **ECOLOGY**

13. Trees, shrubs and other plants shall be planted in accordance with the details set out the application documents within the first planting season following commencement of the development and measures for their protection in the course of the development, shall be submitted in writing for the approval of the County Planning Authority. For a period of five years following their planting the trees/shrubs shall be protected and maintained, and any trees/shrubs which die, or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size and species, unless the Mineral Planning Authority gives written approval to any variation.

Reason: To protect amenity, biodiversity and amenity interests in the local area and in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2006-2028.

14. For the duration of the duration of the development hereby permitted, existing hedges and trees around the application site boundary shall be retained and maintained.

Reason: To protect amenity, biodiversity and amenity interests in the local area and in accordance with Policy DM1 of the Somerset Minerals Plan 2015-2030 and Policy EQ2 of the South Somerset District Local Plan 2006-2028.

15. No development shall take place (including ground works, vegetation clearance) until an environmental management plan (EMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The EMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones", including hedgerow and tree buffer zones marked by suitable fencing or barriers.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved EMP shall be adhered to and implemented throughout the duration of the development strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and to ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction and operation of the proposed development, in

accordance with policies DM3 (impacts on the environment and local communities) and DM7 (water resources) of the Somerset Waste Core Strategy (2013).

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

- a) Two bat boxes (Schwegler 1FF) will be installed on to mature trees at the boundaries of the site to enhance roosting opportunities
- b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes will be installed on retained trees at the boundary.
- c) Installation of 2 x Schwegler No. 10 swallow nesting cups, or similar, to be erected on a main beam of the open side building, at a height above 3m.
- d) The hedgerows on site will be cut on a 3 year rotation allowing section to mature to a height of at least 3 metres following the principles set out within the following guidance; How to manage a hedgerow for wildlife | The Wildlife Trusts

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

## **HIGHWAYS AND TRANSPORTATION**

17. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the first removal of stone from the site and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety and to protect the amenity of the local area and in accordance with Policy TA5 of the South Somerset District Local Plan 2006-2028.

## **PERMITTED DEVELOPMENT**

18. Notwithstanding the provisions of part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking, re-enacting or modifying that order, which relate to development ancillary to mining operations, there shall be no development or activity at this site additional to that specified in this planning permission.

Reason: To enable the mineral planning authority to adequately control the development according to the submitted application and to minimise disturbance to the local area.

## **AMENITY**

19. Before the commencement of the development hereby permitted, a dust control and mitigation scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The dust control and mitigation scheme shall consider:

- minimising drop heights when returning waste stone to the site;
- impact of wind direction on the risk of dust escaping the site boundaries towards the residential properties on Steart Hill
- frequency of visual assessments for dust, recording of the assessments and required actions;
- complaint handling procedures including measures for review of the scheme in response to those complaints.

The approved scheme shall be fully implemented from the time the development hereby permitted is first brought into use and shall be maintained in full for the duration of the development hereby permitted.

Reason: To protect the amenity of the local area and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028.

20. No winning and working of minerals shall take place until a scheme has been submitted to and approved by the mineral planning authority setting out measures to minimise noise impact. The scheme shall include:

No mechanical breaking of stone shall take place

All plant and machinery shall be operated and maintained to minimise noise and fitted with silencers in accordance with the manufacturer's specification

No tonal reverse warning devices shall be used

The bund indicated in the Phase 1 and Phase 2 Working Plans shall be constructed to a minimum height of 3m above original undisturbed ground level with initial development of the eastern site boundary. This bunding shall be retained throughout the life of the quarry until final restoration works are to be completed.

Once approved the development shall be carried out in accordance with the approved scheme throughout the development.

Reason: To protect the living conditions of nearby residents and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028

21. Noise levels during arising from site operations shall not exceed an Laeq(1- hour) level of 45dB(A) free field at the boundary of any residential dwelling present at the time of this planning permission.

Reason: To protect the living conditions of nearby residents and in accordance with Policy DM8 of the Somerset Minerals Plan 2015-2030 and Policy EQ7 of the South Somerset District Local Plan 2006-2028

## **HERITAGE**

22. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: To protect any heritage assets that may be present on or near the site and in accordance with Policy EQ3 of the South Somerset District Local Plan 2006-2028

## **RESTORATION AND AFTERCARE**

23. No topsoil or sub soil shall be removed from the site. All soils stripped from the excavation area shall be stored separately to prevent mixing and shall be

protected from contamination until required. Topsoil, subsoil and overburden stores shall not exceed three metres in height and shall be graded, seeded with grass and subject to weed control.

Reason: To ensure availability of sufficient and suitable restoration materials to restore the site once mineral extraction has been completed and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030

24. Within three months of the completion of winning and working of minerals an aftercare scheme detailing such measures as may be required to bring the land to a condition suitable for agricultural after-use shall be submitted for the approval of the mineral planning authority. The scheme shall include - details of cultivation, seeding and management of grassland in accordance with the rules of good husbandry

- fertiliser and lime application based on soil analysis

- grazing management

- field water supplies

- ditch, water course and piped drainage systems to manage surface water run-off and prevent soil erosion

- provision for an annual review to consider the operations that have taken place in the preceding 12 months and the programme of management for the next 12 months. The parties to the review shall be the mineral planning authority, the site owner and site operator together with any other organisation or body that may be required to advise on the aftercare.

- At least four weeks before the date of each review, the operator shall provide the mineral planning authority with a written record of the operations and management covered by the review.

- Once approved the scheme shall be carried out in full for a period of five years.

Reason: To ensure satisfactory aftercare takes place and the site is returned to beneficial use and in accordance with Policy SMP8 of the Somerset Minerals Plan 2015-2030

## **INFORMATIVES**

### **Relevant Development Plan Policies**

- 1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 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:-

Somerset Minerals Plan (Adopted 2015) South

Somerset Local Plan (adopted 2015)

The policies in the development plan particularly relevant to the proposed development are:-

#### Somerset Minerals Plan

SMP5: Proposals for the extraction of building stone

DM1: Landscape and visual amenity

DM2: Biodiversity and geodiversity

DM3 Historic environment:

DM4: Water resources and flood risk

DM6: Public rights of way

DM7: Restoration and aftercare

DM8: Mineral operations and the protection of local amenity

DM9: Minerals transportation

DM11: Management of solid mineral wastes DM12:

Production limits and cumulative impacts South

#### Somerset Local Plan

SD1: Sustainable Development YV4:

Yeovil Air Flight Safety Zone EQ2:

General Development

EQ3: Historic Environment

EQ4: Biodiversity

EQ7: Pollution Control

TA5: Transport Impact of New Development

3 The County Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework 2019 and Planning Practice Guidance.

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

In dealing with this planning application the County 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, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

**ADVISORY NOTES FOR APPLICANT**

1. You are advised that the grant of planning permission does not mean that any public right of way within the perimeter of the site can be obstructed at any time, or have its surface disturbed in order to enable the development permitted to be carried out. Separate legal steps are necessary for this and insofar as it affects a right of way, the development should not be started, and the right of way should be kept open for public use, until any and all necessary orders for the extinguishment/diversion of the right(s) of way (temporary or otherwise), has come into effect. Nor should it be assumed that because planning permission has been granted an order would invariably be made or confirmed (if required, further information in connection therewith can be obtained from the Area Highways Office (Environment Directorate).
2. The applicant's attention is drawn to the attached comments of the Environment Agency and Lead Local Flood Authority, which are included for information / action.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

4. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.