

Application Number: SCC/3719/2020

Date Registered: 16 June 2020

Parish: Long Sutton

District: South Somerset

Member Division: Somerton

Local Member: Councillor Dean Ruddle

Case Officer: Stephen Boundy

Contact Details: stephen.boundy@devon.gov.uk (01392 383000)

Description of Application: Proposed Reopening of former quarry, including proposed temporary processing building and internal access track

Grid Reference: Easting - 345445, Northing - 126371

Applicant: Mr. H Ford

Location: Batts Lane Quarry, Long Sutton, TA10 9NJ

1. Summary of Key Issues and Recommendation(s)

- 1.1 The proposed development relates to the 're-opening' of a former quarry at Batts Lane, Long Sutton. to produce Blue Lias limestone, at an average rate of 2-3,000 tonnes a year. The quarried stone would be cut and stored on site in a purpose-built processing and storage shed. Dry working of approximately 30,000 tonnes of saleable stone would take between 10 and 15 years.

The main issues for Members to consider are:

- planning policy considerations;
 - contamination and water resources;
 - impact on amenity;
 - landscape and visual impact;
 - highways and traffic impact;
 - ecological impact;
 - the historic environment; and
 - restoration
- 1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in Section 9 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

2. Description of the Site

- 2.1 The site is currently arable farmland comprising approximately 2.9ha. It is located about 2km to the west of the village of Long Sutton, within the administrative area of South Somerset.

- 2.2 The proposal site is bounded to the north by the A372, with agricultural land to the east, west and south. Access to the site would be from Batts Lane, which provides a short connection to the main junction with the A372.
- 2.3 The extraction area forms a rectangular area of about 1.2ha, and the processing building would be located adjacent to a pond and to the east of the extraction area.
- 2.4 The nearest residential properties lie mainly to the north and east of the site, with seven properties being within 300m of the extraction area and a further 13 within 500m. Eight properties lie within 100m of the proposed access track or the quarry entrance.
- 2.5 There is a listed building (Upton Cross) about 300m to the east of the proposed quarry.
- 2.6 Wet Moor SSSI lies about 800m to the southwest of the proposed extraction area.

3. The Proposal

- 3.1 The proposed development relates to the extraction of blue lias stone through dry working above the water table over a 15 years period, including a proposed temporary processing building and internal access track.
- 3.2 From the estimated 40,000 tonnes of blue lias available from dry working above the water table, a loss of 20% is assumed through extraction and processing, leaving in the region of 30,000 tonnes of saleable stone [the applicant has estimated 32,000 tonnes].
- 3.3 The quarried stone would be cut and stored on site in a purpose-built stone processing and storage shed before being transported away. The quarrying and stone cutting would provide employment for two full time workers at the site.

Extraction

- 3.4 Quarrying would be undertaken west of the old quarry, between the main road and the electricity line crossing the site to the south. The area of the resource is 1.5 hectares of which 1.22 hectares is identified for extraction.

- 3.5 The proposed extraction rate at the proposed quarry is anticipated to average around 2,000 – 3,000 tonnes per year over a 10 to 15 years period, with extraction undertaken on a seasonal basis.
- 3.6 If supply is for a specific construction project, a higher rate of up to 5,000 tonnes per year, equating to a maximum of 15,000 tonnes over a single three years period, might occur on occasion. This would reduce the extraction rate over other periods.
- 3.7 The working area would be divided into four phases (A-D) running in a north to south direction with extraction from and restoration of each area undertaken in a broadly east-west progression across each phase. The practical benefits of the proposed sequence of working are to reduce transport and, where possible, double handling of topsoil, overburden and interburden.
- 3.8 In the initial phases, soil would be stripped from the route of the proposed access track and the area of the proposed building and stored within area Y (Plan GELS 4B Initial Material Movement). Topsoil storage areas would be seeded with grass if they are to remain undisturbed for more than twelve months and then controlled for weeds. A drainage and haulage route would also be formed in the first stages of development and will include the provision of a swale within the area to the south of the temporary stockpile and topsoil storage area for surface water drainage. Thereafter, stone would be extracted using a single tracked slew excavator and carried to the workshop for cutting.
- 3.9 Stone that is not suitable for building or walling would remain at the site and be used in the infilling and restoration of the void. Temporary stockpiles of this stone would be no more than four metres higher than the adjacent unexcavated ground.
- 3.10 A small amount of stone would be crushed for the surfacing of the internal quarry track.

Processing

- 3.11 A single storey processing building is proposed to the east of the extraction area close to the pond.

- 3.12 The majority of stone produced at Batts Lane Quarry would be processed on site by the [two] operatives, who would cut the extracted blocks into required sizes by hand inside the building. The cut stone would be exported from the site for sale and distribution elsewhere.
- 3.13 The proposed processing building would measure 18.4m by 9.4m, with a maximum height of 5.6m.

Access

- 3.14 Access to the site would be from Batts Lane, which provides a short connection to the main junction with the A372.
- 3.15 The on-site haul road is proposed to run along the east and north side of the agricultural field, for a distance of approximately 300m, before entering the quarry.

Hours of working

- 3.16 The proposed operational hours at the application site would be:
- Mondays to Fridays – 0700 to 1800
 - Saturday morning – between 0700 and 1300
 - Saturday afternoons – no operations except plant servicing between 1300 and 1700
 - Sundays and Public Holidays – no working.

Restoration

- 3.17 The quarry would be progressively backfilled with arisings and stone processing waste to a level which would ultimately be self-draining and be restored to agricultural use.
- 3.18 All extracted materials, other than usable stone, would be used to backfill the void in stages as the stone becomes exhausted. All materials would be stored separately to avoid mixing.
- 3.19 The precise details of restoration would be subject to a planning condition, to be implemented following the completion of extraction.

Other facilities

- 3.20 In addition to the stone processing building, a temporary site office and welfare building, generator and fuel store and parking area are proposed. Details of all these facilities are also shown on the Proposed Site Plan.

4 Background

- 4.1 There is no record of any previous planning applications or planning permissions on this site prior to 2018; however, the planning statement makes the following claim:

“The quarry was believed to have been worked over a long period up until WWII and it extended to an area of several hectares”.

- 4.2 Application reference 18/02799/CPO for substantially the same development (albeit with some differences as outlined in the documents and plans submitted with the application) was refused in December 2019 with the following, singular reason for refusal – *‘Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF.’*

5. The Application

- 5.1 Documents submitted with the application:

- Application form and fee
- Planning Statement (Revised March 2021)
- Revised Working Plan (March 2021)
- Preliminary Ecological Assessment (December 2020)
- Surface Water Drainage Arrangements (December 2020)
- Geo-Environmental Assessment (September 2019)

- Geo-Environmental Assessment Addendum (October 2020)
- Transport Statement (July 2018)
- Flood Risk Assessment (October 2018)
- Dust Mitigation Scheme (January 2018)
- Gradiometer [Archaeological] Survey (April 2018)
- Dewatering Method Statement (November 2017)
- Appendix B1 Site Images
- Appendix B2 Trial Pit Photographs
- Appendix B3 Borehole Locations
- Galion Ltd Letter of Support (October 2019)
- Gerard Edwards Limited Letter of Response to Professor Brassington (5 March 2021)
- Gerard Edwards Limited Letter of Response to Stop Batt's Quarry Action Group (25 November 2020)
- Chord Environmental Ltd Letter of Response to Professor Brassington (9 October 2020)
- Rockwool Sound Insulation Prediction (4 August 2020)

5.2 Plans submitted with the application:

- Location Plan (596(00)01B)
- Proposed Site Plan (596(00)03J)
- Processing and Storage Building Plans and Elevations (596(00)05B)
- Visibility Splays at Junctions (596(00)04A)
- Ground Investigation GEL SE1B (BS3038/11.19/03/HR)
- Groundwater Monitoring GEL SE2B (BS3038/11.19/03/HR)
- Working Phases GEL S3B (BS3038/03.20/01/HR)

- Initial Material Movement GEL S4B (BS3038/03.20/01/HR)
- Restored Surface GEL S5B
- Sections BB and CC (596(00)06A)

6. Environmental Impact Assessment (EIA)

- 6.1 The proposed development has been screened under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the Screening Opinion concludes that the nature, scale and characteristics of the development are not considered likely to give rise to significant effects. The proposed location of the development does not impact upon any environmentally sensitive areas or geographic areas of importance, and the proposal does not constitute EIA development.

7. Consultation Responses Received

The consultation responses outlined below are the most recent from each consultee, with dates provided for each. Multiple consultation responses have been included where they remain relevant.

External Consultees

7.1 South Somerset District Council (23 July 2020)

The District Council raise no objections to the application, subject to an assessment of the submitted information by relevant consultees and the imposition of any necessary conditions as recommended by our Environmental Health officer.

7.2 South Somerset District Council Environmental Health (21 July 2020)

I have reviewed this application and have the following comments to make from an Environmental Health point of view.

Noise

The application relies on ground attenuation to reduce the impact of noise on the nearest residential properties and proposed working times.

Noise from cutting of stone will be reduced by containing the activity within the proposed building. These buildings may also require LEV [Local Exhaust Ventilation]. Any proposed externally mounted or positioned vent for

extraction should be directed away from residential properties. Works carried out within the building should be done so with all doors and windows shut to reduce noise.

No deliveries or despatch should take place outside of the operating hours.

Reverse alarms should be of the white noise variety to reduce any off-site impact.

Dust

All measures indicated in the Dust Mitigation Scheme produced by Clive Miller Planning in January 2018 shall be adopted to reduce the impacts of dust and drag-out onto the road.

Contaminated Land

The site to be quarried is west of a former landfill. There are some concerns as to the migration of contaminated ground water. The measures recommended on page 23 of the Planning Statement should be adopted to minimise the risk; namely:

- Select a stockpile and processing location outside the footprint of the landfill/former quarry, in order to mitigate the potential for leachate migration from surcharge.
- Ensure quarrying activities remain above the groundwater table and suspend quarrying activities during the winter months.
- Undertake groundwater monitoring in the boreholes installed on site to ensure contaminants are not migrating off site.
- Should any elevated contaminant concentrations be recorded during monitoring, and/ or obviously contaminated soils be encountered during the extraction works, advice should be sought from a suitably experienced Geoenvironmental Engineer.

Additionally, I would recommend that the issues raised by Dr Kidder [a hydrogeochemist acting for local residents] in his analysis of the report are addressed.

7.3 **Long Sutton Parish Council** (7 July 2020)

Objection - the Council's position of not supporting this application remains for the following reasons.

1. In the Council's view this application is contrary to SNP5 and SMP5(d) in that it offers no benefit to [the] community and in fact, according to the earlier acoustic report and reiterated in this application, will detrimentally change the quality of life for local residents. The economic benefit to the community is minimal in that the application produces a meagre 2 new jobs. As the application fails to demonstrate compliance [with] the 4 points in the policy namely: economic benefit, identified need for the product, the scale and intensity of the operation and environmental mitigation (which in itself recognises that environmental damage will be caused by the application) This alone suggests the application should be refused.
2. Whilst the Council recognises the advice from the highways department, it remains our view that the traffic implications – movements of lorries onto Batts Lane; noise from lorry movements on site and noise from reversing warning alarms, will accumulatively have a detrimental impact on the surrounding area. The traffic assessment is flawed in that it does not differentiate between large HGV's and the number of smaller building trade vehicle movements.
3. As mentioned before, the acoustic report is contradictory in that it highlights engine noise, reversing alarms, stone loading and stone cutting as noises that will have an impact that would change the quality of life of local residents, but then argues that this is similar to common agricultural practices, which of course it is not. This is an industrial operation in open countryside and is contrary to Policy DM1.
4. The geo-environmental report, while concluded favourably, covers up that the number of pollutants already in the ground that when disturbed will be released into the watercourses. Undertaking such surveys in the summer months, as was the case in August 2019, will obviously throw up favourable results, so this survey should be repeated in the winter months of February or March before any discussion is made. The hydrology report carried out for support[ing] the application in October 2018 painted a very disturbing picture of how water will be managed on and from the site in an area where homes to the south of the site are

already challenged during heavy rainfall. These reports amount to a COVER UP of the real impact on the environment and is contrary to Policy DM8.

5. There is no obvious mitigation from sound, dust or pollution for the neighbours. There is a pathetic attempt at a buffer zone, but good practice requires such applications to provide a buffer zone of between 250m and 500m, which for the application is not achievable.
6. The Council is of a view that the environmental impact is too extreme when measured against the meagre job creation of just 2 new jobs. Furthermore, the detrimental impact on wildlife from a permanent industrial disturbance will be tangible and should not be ignored, again for the meagre level of job creation.
7. The Council believes that this application's sole beneficiary is the landowner, which for the impact on the environment and community is unacceptable. There is no proven need for such a quarry in the village let alone this site as there are 5 other working blue lias quarries in the area, including 1 just a mile away.

We would urge the County Council most vociferously to refuse this application, [should it] be reluctantly approved then we insist conditions to control the following:

1. Mitigating measures for the control of dust
2. Mitigating measures for the control of noise
3. Attenuation for the control of water management on and off the site
4. No weekend working to allow residents to enjoy some peace and quiet
5. No blasting of stone with dynamite or similar explosive
6. No external lighting on site to protect the ecology and 'dark skies'
7. Strictly controlled traffic movements to and from the site
8. Improvements to Batts Lane junction to maintain the level of visibility required for HGV's exiting the site

It is impossible to achieve these conditions bearing in mind the limited track record in the quarrying industry from the proposed operator, which will lead

to the County Council being helpless to do anything about misdemeanours that will occur.

7.4 **Environment Agency third response** (07 January 2021)

Contaminated Land

We note that there are three documents that seek to address a report by Rick Brassington that was submitted last year. Rick Brassington raised concerns regarding a number of issues, including the risk that may be posed by PAHs, as did another party Dr Kidder.

We can confirm as per our letter dated 08 July 2020, we are satisfied that the information previously submitted by the applicant is adequate to allow planning conditions to be imposed. We therefore have no additional comments to make with regards to these documents, though like the submissions from Rick Brassington and Dr Kidder (in our response 24 July 2020) they have been reviewed.

The applicant has also submitted a report by Pitman Associates entitled 'Surface Water Drainage Arrangements' dated December 2020. The information contained within the report would appear to partially satisfy the drainage condition that we have previously recommended. However, it is important that the condition is maintained, should the authority approve the application. This is because the condition also states that "the development shall be carried out in accordance with the approved details". The scheme does though appear to be adequate in concept. Note, these comments only relate to the protection of water quality and are not a consideration of flood risk or any other issues pertaining to surface water disposal.

Environment Agency second response (27 July 2020)

We have reviewed the report by Rick Brassington, Consultant Hydrogeologist, entitled 'Groundwater and related conditions at the proposed Batt's Lane Quarry at Long Sutton, Somerset - On behalf of the Stop Batt's Lane Quarry Action Group' (dated July 2020). It is a critical appraisal of the report by South West Geotechnical, that also seeks to establish the conceptual setting of the proposed quarry, and we note that it is quite detailed in this regard. We also note and have reviewed the other submissions, including correspondence written by Dr. James Kidder, a hydrogeochemist.

In our previous response dated 08 July 2020 to this application we have confirmed that we have reviewed the South West Geotechnical Report, and subsequently recommended planning conditions.

We can confirm that it is not our role to seek to defend the South West Geotechnical report, nor do we wish to comment on the points raised by the individuals. We have undertaken our own review of the report and for our purposes this application the report was considered adequate, in regards to demonstrating the risk to water quality in the wider environment. The Geotechnical Report appears to demonstrate that there is not a significant risk from this development to the water environment. With these types of reports some uncertainty is inevitable, in terms of unsuspected contamination and the range of hydrogeological conditions that are present, and for this reason we have recommended conditions that can be used by your Authority, if permission were granted. These conditions are intended to protect controlled waters and should ensure that only rock above the water table can be worked and that areas of former waste fill are not disturbed.

We note that some mention is made of the toxicity of PAHs in this report. Please note that our remit is limited to the protection of controlled waters (water quality and quantity). We have not therefore considered or commented on any potential risks to human health, this is a matter for the local authority.

Environment Agency first response (8 July 2020)

We have no objection to the proposed development subject to the following conditions and informatives being included in any planning permission granted.

Groundwater Protection and Contaminated Land

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Please note our consideration of risk from land contamination and quarrying and our subsequent comments only relate to the protection of the water

environment. You should consult with the Local Authority Environmental Health team for any human health impacts.

Under the previous planning application there was uncertainty concerning whether the applicant wished to apply for working the dry deposit only or ultimately the material situated beneath the water table. We also had significant concerns regarding the nature and distribution of contaminants associated with the adjacent historic landfill site and the risk that this may pose to controlled waters.

We have now reviewed the geo-environmental report accompanying this application

entitled 'GEO-ENVIRONMENTAL ASSESSMENT - Client: Mr Ford - Batts Quarry, Long Sutton, Langport, Somerset - Report No. 11035 - September 2019 - Version 1' by South West Geotechnical.

The findings of the report indicate that some contamination is present, notably some leachable PAHs. However, the concentrations of potentially leachable PAHs are low in the context of the site and the water environment. Additionally, down hydraulic gradient monitoring appears to confirm that these contaminants are not mobile within groundwater. We find that the report would indicate that the former landfill does not pose a significant risk to the wider water environment. Notwithstanding this it is important that the historic landfill is not disturbed, as per recommendations within the report and unsuspected contamination cannot be ruled out. Therefore, below we recommend a number of conditions with respect to land contamination.

We also recommend the following conditions on the understanding that this application is for the quarrying of materials above the water table and that there will be no dewatering of this site whatsoever and that any proposals of this kind would require an entirely separate planning application. We will object to any application for this site in future if they propose dewatering, unless sufficient information is provided demonstrating that the risks are acceptable. Note, dewatering is now a licensable activity under the Water Resources Act 1991, therefore any additional applications for this site that involve dewatering will be regulated by a licence to abstract groundwater. We consider that the application will only be acceptable if all of the conditions below are appended to it.

Dewatering

Based on the information provided to date we remain of the view that the applicant may have over-estimated the resource available within the unsaturated zone. In any case to ensure that no quarrying takes place below the water table and that no dewatering takes place we would recommend the following conditions to be appended to this permission, if granted and would object if these conditions, or analogous ones, were not appended:

CONDITION

Prior to the commencement of quarrying granted by this permission the applicant will provide a groundwater monitoring scheme to be approved by the LPA. The scheme will show where groundwater observation boreholes will be located and how they will use these to determine the depth to groundwater and therefore the extent of unsaturated resource available for exploitation in the working area. The applicant will detail what they will do to ensure sufficient provision of monitoring locations in the event that existing locations become unreliable or are lost or destroyed in future. The scheme shall include, where available, borehole construction details and proposed monitoring frequencies and provisions for record future keeping.

REASON

To ensure that quarrying is only undertaken in areas where overburden and quarry materials are accessible, being free of standing water and above the water table. This is to ensure that dewatering is not undertaken. The purpose of this is to protect water features from groundwater abstraction and to protect controlled waters from the discharge of abstracted water that might cause pollution or otherwise harm the water environment due to contaminants dissolved or suspended within that abstraction discharge.

CONDITION

The applicant shall implement the groundwater monitoring scheme required by condition X (LPA to insert condition number of above condition). On the basis of this monitoring scheme, required by this permission and approved by the LPA, the applicant will be able to demonstrate, through the provision of groundwater monitoring data and borehole locations, required by the approved scheme, that in those areas in which they are quarrying they are working above the water table at the time they are/were quarrying.

REASON

To ensure that quarrying is only undertaken in areas where overburden and quarry materials are accessible, being free of standing water and above the water table. This is to ensure that dewatering is not undertaken, the purpose of this is to protect water features from groundwater abstraction and to protect controlled waters from the discharge of abstracted water that might cause pollution or otherwise harm the water environment due to contaminants dissolved or suspended within that abstraction discharge.

CONDITION

The applicant may not dewater groundwater from any excavations or any other location which induces draw-down at the application site using a pump, or by any other means, including gravity-induced drainage or syphon. The applicant will only quarry stone and remove overburden which is, at the time the work is being undertaken, above the water table.

REASON

To ensure that quarrying is only undertaken in areas where overburden and quarry materials are accessible, being free of standing water and above the water table. This is to ensure that dewatering is not undertaken, the purpose of this is to protect water features from groundwater abstraction and to protect controlled waters from the discharge of abstracted water that might cause pollution or otherwise harm the water environment due to contaminants dissolved or suspended within that abstraction discharge.

Site Drainage

The means of disposal of surface water from access areas and working areas adjacent to quarry excavations needs to be carefully considered so as to prevent pollution of surface and groundwater from contaminants dissolved or suspended in that water. We therefore recommend the following condition with respect to site drainage:

CONDITION

No infiltration of surface water drainage into the ground or by discharge to a ditch or other surface water feature is permitted other than with the written consent of the Local Planning Authority. The applicant shall provide a scheme demonstrating how they shall dispose of surface water in a way that addresses

potential risks and that those risks have been considered. The development shall be carried out in accordance with the approved details.

REASON

To protect controlled waters and 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 caused by mobilized contaminants in line with paragraph 109 of the National Planning Policy Framework.

Contamination

A former landfill site is located partially within the development boundary of this application, as discussed above and as discussed, the area of the historic landfill site should not be developed or used in anyway unless those works are specifically to address risks that subsequently arise. The following conditions are necessary to address the potential for contamination:

CONDITION

No development approved by this planning permission shall commence until a plan is submitted to the Local Planning Authority denoting where the historic landfill site is located within the site. Accompanying this plan, the applicant will provide a working plan describing how they will ensure that the area of the historic landfill will remain undeveloped. This information shall include details of a 'buffer zone' around the area of the historic landfill site to prevent disturbance and encroachment. This information shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON

To protect controlled waters and 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 in line with paragraph 109 of the National Planning Policy Framework.

CONDITION

If, during operation of the site, 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. The remediation strategy shall be implemented as approved.

REASON

To protect controlled waters and 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 in line with paragraph 109 of the National Planning Policy Framework.

Pollution Prevention During Construction

INFORMATIVE

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Storage of Fuels & Chemicals

CONDITION

The development hereby permitted shall not be commenced until such time as a scheme for the storage of oils, fuels and associated chemicals has been submitted to, and approved in writing by, the local planning authority. Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

REASON

Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the location within a Secondary Aquifer and up gradient of the main watercourse (Long Sutton Main Drain and the River Yeo).

7.5 **Natural England** (17 March 2021)

Somerset Levels & Moors Ramsar Site

We note that the proposed quarry works will take place above the water table and so will not involve any dewatering. The EA have suggested a number of water management measures and conditions to ensure that dewatering does not occur and to prevent surface water pollution.

Habitats Regulations Assessment

Assuming that the EA is content with the measures and conditions applied to the project, Natural England would be satisfied that there would be no Likely Significant Effect on the Ramsar Site.

7.6 No responses were received from the following external consultees: Somerset Wildlife Trust; Civil Aviation Authority; Campaign to Protect Rural England; Gas Safeguarding; Peter Brett Associates; Wessex Water; Western Power Distribution

Internal Consultees

7.7 **County Ecologist** (12 April 2021)

No objection

To inform the proposed works at Batts Lane Quarry Abbas Ecology undertook a preliminary Ecological Appraisal in May 2017. Further visits were undertaken in June 2018 and October 2020. The results of the surveys were as follows:

Habitats: The site is in an arable field but has value at its boundary features including a pond left over from neighbouring quarrying activities. The hedgerow was assessed to comply with the Hedgerow Regulation 1997. The hedgerows were found to be species-rich but not in favourable condition.

Amphibians: The pond was tested for Great Crested Newt (GCN) DNA but returned as negative. However, the pond still has wildlife merit due to water quality as assessed by carrying out a GCN Habitat Suitability Index Assessment.

Birds: Breeding birds are likely within the hedgerows:

Badgers: A sett is located near the pond on site.

Bats: Two ash trees in hedgerow, lower potential around pond. The hedgerow and pond provide foraging and commuting habitat.

Dormice: The hedgerow was considered to provide low potential for this species.

Suitable avoidance mitigation is required in order to avoid impacts to birds, badgers, bat foraging habitat and dormice.

Recommendations

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, please attach the following conditions to any planning permission granted.

Badgers

Please attach the following informative:

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.

Dormice

Due to the low level of potential for the dormice to be present within hedgerows to be impacted by the proposal, please attach the following condition:

Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:

- a) In October when dormice are still active but avoiding the breeding and hibernation seasons.

A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or

- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist.

The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Reason: A pre-commencement condition in the interests of the strict protection of a European protected species and in accordance with policy DM3 (impacts on the environment and local communities)

Construction Environmental Management Plan

Please attach the following condition:

No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”, including badger sett, pond and 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, badgers and dormice (see separate condition).
- 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 CEMP shall be adhered to and implemented throughout the construction period 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).

Mitigation Compliance

Please attach the following condition:

A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and with policies DM3 (impacts on the environment and local communities) and DM7 (water resources) of the Somerset Waste Core Strategy (2013).

Lighting

Please attach the following condition:

Bats are active at night and are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. In the event that lighting is proposed please attach the following condition:

No one phase of the Development shall commence until a Lighting Strategy for Biodiversity for that phase has been submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

(b) show how and where external lighting will be installed (through the provision of appropriate 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 breeding sites and resting places; and

(c) show that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and with policy DM3 (impacts on the environment and local communities).

Landscape and Ecological Management Plan

- A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development setting out the ongoing management of the site and restoration plans. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that

conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation [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 BEMP shall include the recommendations set out within Section 8 of the *Preliminary Ecological Assessment, Proposed Quarry, Batts Lane, near, Long Sutton* t (Abbas Ecology 2020) report.

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.

Somerset Levels & Moors Ramsar Site

Further to discussion regarding the potential impacts and assessment of impact pathways to the Ramsar site, Inote that the proposed quarry works will take place above the water table and so will not involve any dewatering. The EA have suggested a number of water management measures and conditions to ensure that dewatering does not occur and to prevent surface water pollution, which I would concur with.

Therefore, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

Provided the above conditions are applied as worded, I have no objection to this application.

7.8 **Highways Development Management** (24 June 2020)

The proposal will intensify the use of the existing field access. It is noted that the maximum annual tonnage will be 5000T pa over a 15-year period. This will equate to around 500 lorry movements in/out per year. Which in turn equates to approximately ten lorry movements per week, i.e. an average of two exiting movements and two return journeys per day. In addition, there would be two workers on site that would need to travel to and from the site on a daily basis.

Whilst the use is limited, notwithstanding the details submitted, in order for them to not create a hinderance to highway users, all vehicles to use the access should be able to stand clear of the highway whilst the entrance gates are opened.

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

- The proposed access shall have a minimum width of 11.5 metres
- The driveway between the edge of the highway and the entrance gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.
- Any gates erected shall be hung to open inwards, shall be set back a minimum distance of 20 metres from the highway edge and shall thereafter be maintained in that condition at all times.
- The application 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 not 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 occupation, and thereafter maintained until the use of the site discontinues.

- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) *[sic]* and thereafter maintained at all times.
- For the access into the site off Batt Lane, there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought in to use and shall thereafter be maintained at all times.
- For the junction of Batt Lane onto the A372 there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82 metres to the west and 75 metres to the east. Such visibility shall be fully provided before the development hereby permitted is brought in to use and shall thereafter be maintained at all times.

Note: All works which affect the highway shall be carried out in accordance with the agreement of the Highway Authority.

7.9 **Lead Local Flood Authority** (8 March 2021)

Suggested condition and informatives below:

No development shall be commenced until details of the surface water drainage scheme, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to

and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that surface water runoff during operation is attenuated on site and 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 including any drainage measures to ensure that this will be undertaken. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved 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.

We would welcome the following informatives / notes to be provided outlining the information the LLFA will expect to see in order to discharge the above conditions:

- Details for provision of any temporary drainage during construction.
- Details on the design and function of the surface water drainage system, including demonstrating that the receiving system is suitable to take flows.
- Site runoff should be adequately treated to ensure that no sediments or pollutants are passed on to any downstream receiving water bodies, SuDS or sewer, and safeguards should be implemented to minimise the risks of pollution. Such safeguards should cover:
 - the use of plant and machinery
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage

facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site.
- A management and maintenance plan for the lifetime of the development.
- Post operation the applicant must ensure that the site is restored to post development greenfield conditions, this should demonstrate that rainwater will be able to infiltrate into the ground as per greenfield conditions and that the topography of the site is restored to natural conditions. Any further measures must be detailed and shown to restore the site to natural conditions.
- Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/wasteplanning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

7.10 **County Council Acoustics Specialist** (13 January 2021) – full comments available at:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3719%2F2020>

The proximity of the proposed building stone quarry to residential development would appear no closer than other similar operations that would

not appear to generate noise complaint. Recent discussions, associated with the consideration of a new application at Bowden's Lane Quarry, established that a resident 200m from a process building (40m closer than that currently proposed undertaking similar block cutting activities) has not experienced noise sufficient to raise adverse comment.

I note that Section 5.13 of the Planning Statement indicates that only building and walling stone will leave the site and 5.14 indicates "A small amount of stone would be crushed for the surfacing of the internal quarry track". In my view the limited requirement for crusher use and the potential to locate a crusher at 250m from the closest property behind a bund and at reduced ground level, could contain noise at nearest housing to levels unlikely to exceed 42dB(A). This level of noise would be similar to the daytime background noise level assessed near these locations, and as such I consider it would not represent a significant planning impact over the short period of expected operation.

The noise impacts of this revised development are considered to be no worse than those detailed in my earlier report dated 19/10/18 and the applicant has now revised and improved the sound insulation of the processing building. The perception of noise expected to arise from quarrying operations and enclosed processing activities could, in my view for the most part, be classified by the Noise Exposure Hierarchy Table of Planning Practice Guidance – Noise 2019 (PPGN) as a 'Present and not intrusive' impact. Based on the levels of noise expected to be present during the majority of time there would be a planning expectation that 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life' at surrounding residential development. Noise will be greater during the limited periods of bulk excavation and during operations recognised as 'temporary' under mineral guidance (site preparation & haul road construction) but again these would not exceed the noise levels permitted under this guidance. Under these circumstances the noise impacts of this proposal would not appear sufficient to substantiate planning refusal.

Recommended conditions

To ensure noise from temporary and normal activities are effectively mitigated I recommend the following conditions are considered:

- The noise from normal quarrying and processing operations shall not exceed a freefield LAeq(1hour) noise level of 46dB within the residential boundary of any property present at the grant of this consent.

Reason – To prevent unreasonable noise impact

- The noise from the temporary operations of site development and surface preparation shall not exceed a freefield LAeq(1hour) noise level of 70dB at 3m from any residential façade nor take place for a period exceeding 8 weeks in the period of a year.

Reason – To limit the noise and duration of temporary impacts

- Within 6 months of the grant of planning permission or prior to the commencement of stone processing activities the operator shall submit, and receive the written agreement of the mineral planning authority for a NOISE PREVENTION AND MITIGATION STRATEGY that will document the plant and equipment used by the operation and the procedures to be adopted to minimise noise emissions from both extraction and processing operations.

Reason – To document plant and the practical measures used to minimise noise

- The operator shall maintain the level running surface of the permitted access track so as to minimise the generation of unnecessary noise during HGV movements.

Reason – To minimise distinctive impulsive noise impacts

- The operator shall ensure that all mobile plant and HGV to be used on site shall be silenced in accordance with manufacturers specification and shall be used and maintained so as to minimise noise. Site based plant that is required to use reverse warning alarms shall be fitted with 'broadband' or 'white noise' devices.

Reason – To minimise distinctive tonal noise and impacts from poor plant maintenance

- The operator shall seek the written agreement of the mineral planning authority prior to the installation of any stone saw or processing

equipment not listed in the agreed NOISE PREVENTION AND MITIGATION STRATEGY.

Reason – To prevent uncontrolled escalation of processing noise

Amendment (22 February 2021) – Full comments available at:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3719%2F2020>

The consequence of removal of the bund would appear to be less than 1dB when considering two working locations at 1.5m below undisturbed surface height. In this respect these differences would not lead to a rise in working noise that would then be at a level sufficient to justify planning objection.

The 6dB change found in the predicted noise from a screened and unscreened generator is more significant. However, the sound power level of a 100kW silenced generator has been found to be 20dB less than that considered above, and as such unobstructed noise would still be expected to be at levels below background noise, and therefore not in my view sufficient to revise the overall conclusion.

I am making two additional recommendations for planning conditions to provide added safeguards to the conditions previously proposed. Firstly in recognition of the removal of bunding and potential uncertainty in respect to generating plant to be used, I recommend the following condition now be considered:

- The operator shall select or enclose any power generating plant such that its predicted noise level at any property shall not exceed a level of 30dB(A).

Reason – To ensure noise from the daytime operation of the generator will be significantly below the background noise at residential locations and avoid disturbance.

Secondly, I note that the Planning Statement makes no reference to the use of a hydraulic excavator hammer (pecker) and this is therefore not to be expected during removal of stone at this quarry. However, I recommend a planning condition might specifically exclude use of this item of plant by an excavator in an attempt to prevent any unexpected increase in noise disturbance. As such I recommend the following condition now be considered:

- The operator shall not use a hydraulic excavator breaking hammer for the removal or processing of stone within the site.

Reason – To prevent the unexpected occurrence of impulsive noise and avoid residential disturbance.

7.11 **South West Heritage** (14 July 2020)

The submitted geophysical survey does indicate that there are significant archaeological features on the site. There have been a number of Roman period burials found close to the proposal site and unfortunately, geophysical survey does not often locate such features. Therefore, there is a potential for further burials to be revealed during quarry operations.

For this reason, I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted:

"Programme of Works in Accordance with a Written Scheme of Investigation (POW) 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."

7.12 **Somerset County Council – Minerals Policy** (25 August 2020)

Conclusion - Full comments available at:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3719%2F2020>

The Somerset Mineral Plan takes a positive approach to the supply of local building stone including Blue Lias and the specific grey variant that this proposed development seeks to extract.

In our consideration of compliance with Policy SMP5, we note that it does not require a proposal to be located within an Area of Search for planning permission to be granted.

Policy SMP5 requires delivery of “clear economic and other benefits to the local and/or wider communities”. The applicant’s planning statement indicates that the proposal would provide 2 skilled full-time jobs in this rural location. In addition, the applicant highlights that the availability of local stone would support the built and heritage environment of the Parish and the wider area.

The available evidence indicates that the current supply of Blue Lias stone in Somerset is constrained in terms of the number of operational quarries and products available (this aspect was discussed in some detail in a recent committee report for an extension of Tout Quarry, planning application reference: SCC/3539/2018).

The applicant has undertaken geological investigative work on site. This has identified that the stone is of a very high quality and a consistent pale grey colour. The applicant reports that that this shade is in short supply locally. A statement of support has been provided by a local residential developer, reporting difficulties in accessing suitable colour and quality Lias stone in recent years.

We are satisfied that the requirement for both the delivery of economic benefit (criterion a) and demonstration of an identified need for the specified stone (criterion b) have been met by the applicant. Subject to the advice of technical specialists in relation to the nature, scale and intensity of the operation being appropriate to the character of the local area (criterion c) and the proposal including measures to mitigate to acceptable levels adverse impacts on the environment and local communities (criterion d), we consider the proposed development would be in accordance with Policy SMP5.

In the Planning Statement, the applicant states that it is anticipated that a planning condition will be imposed on the permission to establish the precise means of restoration. Consideration will need to be given to the restoration scheme, in accordance with policy DM7 (and Table 7) of the Somerset Minerals Plan.

On the basis of the above, Planning Policy have no objection to this application.

7.13 No response was received from the following internal consultee: Somerset Scientific Services.

7.14 **Public Consultation**

The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, press notice and notification of neighbours by letter.

Resulting from this consultation, 154 letters of objection were received and 1 letter of support. These are available to view through the following link - <https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3719%2F2020> .

The 153 objections were received from 103 different households/addresses, and the material objections raised are detailed below:

- conflict with planning policy (both national and local);
- lack of need;
- unsuitability of location;
- land and groundwater contamination;
- hydrogeological impacts and uncertainties relating to the water table;
- the inadequacy of the submitted information on ground water monitoring;
- landscape and visual impact;
- highways and road safety impacts;
- ecological/biodiversity impacts;
- noise impacts;
- air quality and dust impacts;
- human health impacts;
- other impacts on residential amenity;
- impact on the historic environment;

- flood risk and surface water run-off impacts;
- general pollution impacts (phosphates etc);
- general environmental impacts and impact on adjoining land uses;
- climate change and sustainability impacts;
- lack of public benefit (including employment etc);
- more suitable alternatives sources of similar resources within the locality;
- economic viability of the proposal; and
- impacts on tourism and the local economy (including additional holiday units to the east of the site recently granted planning permission at appeal – REF: APP/R3325/W/20/3262373)

The letter of support was on the basis of the merits of a local source of Blue Lias stone.

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

8.1 The key issues for Members to consider are:

- planning policy considerations;
- contamination and water resources;
- impact on amenity;
- landscape and visual impact;
- highways and traffic impact;
- ecological impact;
- the historic environment; and
- restoration

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)
- South Somerset Local Plan 2006 - 2028 (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 following:

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

8.4 Planning Policy Considerations

8.4.1 The key policy for consideration of this application is Policy SMP5 of the Somerset Minerals Plan, which addresses proposals for the extraction of building stone. Policy SMP5 states:

“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.”

8.4.2 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. Many towns and villages in central Somerset are composed largely of Blue Lias stone and the Building Stone Topic Paper describes Street, Somerton and Langport as being good town-scale examples of its use.

- 8.4.3 A number of variants of Blue Lias limestone are noted, including Thurlbear Stone, Curry Rivel Stone and Keinton Stone. Somerset Blue Lias is renowned as a quality building stone and, in addition to local use, significant quantities of stone are exported for use outside of the County where similar resources are not available.
- 8.4.4 There were a number of active Blue Lias quarries in Somerset when the evidence base for the Somerset Minerals Plan was prepared. Consultees flagged Blue Lias as being in short supply, with a perceived growing market despite overall permitted output increasing in recent years. As a result, the Plan identifies Blue Lias as one of 17 needed building stones in Somerset. Blue Lias is identified as a safeguarded building stone resource in Somerset, and the Building Stone Topic Paper identifies the extent of the White and Blue Lias Mineral Safeguarding Areas. Areas of search for building stone extraction have been identified as shown in policies map 1C. These coincide with the Plan's spatial approach to building stone safeguarding.
- 8.4.5 There have been a number of changes in terms of operational/permitted status of quarries extracting Blue Lias in Somerset since the Minerals Plan was adopted. Downslade, Lake View and Westfield Farm quarries have exhausted available mineral resources and are now closed. There are currently three operational quarries extracting Blue Lias building stone:
- Ashen Cross – maximum output 6,500 tonnes per annum (averaged over any consecutive 3-year period)
 - Bowdens Lane – this is predominantly a White Lias quarry with some Blue Lias beds. The maximum output of 3,000 tonnes per annum was increased to 21,000 tonnes per annum under planning permission reference SCC/3721/2020. The application form submitted with this application states that the 18,000 tonnes increase in output is anticipated to consist of crushed waste stone rather than building stone. It is however noted that

the quarry could in theory have an output of 21,000 tonnes per annum of building stone.

- Tout – maximum output 6,000 tonnes per annum

In addition, planning permission has been granted for small scale quarry at Worthy Farm (Hitchins Hill Ground). The permission is for the extraction of 400 tonnes of Blue Lias stone in total, for a local affordable housing scheme only.

8.4.6 With regards to specific consideration of this application against policy SMP5 of the Somerset Minerals Plan, criterion (a) requires 'clear economic and other benefits to the local and/or wider communities'. The policy does not precisely define what these benefits should be, nor does it define a minimum level of benefit. The applicant's planning statement indicates that the proposal would provide 2 skilled full-time jobs in this rural location. In addition, the applicant highlights that the availability of local stone would support the built and heritage environment of the Parish and the wider area. It is consequently considered that the proposal broadly accords with criterion (a) of policy SMP5 of the Somerset Minerals Plan.

8.4.7 Criterion (b) of policy SMP5 requires that there is an identified need for the specified stone. As noted in 8.4.5 of this report, the available evidence indicates that the current supply of Blue Lias stone in Somerset is constrained in terms of the number of operational quarries and products available. Whilst the output of building stone at Bowdens Lane Quarry has recently been increased, this quarry primarily produces White Lias and much of the permitted increase is expected to comprise of crushed waste stone. With regards to this application, the applicant has undertaken geological investigative work on site. This has identified that the stone is of a very high quality and a consistent pale grey colour. The applicant reports that that this shade is in short supply locally. A statement of support has been provided by a local residential developer, reporting difficulties in accessing suitable colour and quality Lias stone in recent years. On balance, it is the opinion of the Mineral Planning Authority that an identified need for the specified stone has been demonstrated and consequently the proposed development accords with criterion (b) of policy SMP5 of the Somerset Minerals Plan.

8.4.8 As set out in sections 8.6 and 8.7 of this report, it is considered that the nature, scale and intensity of the operation is appropriate to the character of the local area (criterion c) and the proposal includes sufficient measures to mitigate to acceptable levels any adverse impacts on the environment and local communities (criterion d). Consequently, it is considered that the proposed development is in accordance with Policy SMP5.

8.5 Contamination and Water Resources

8.5.1 Policy DM4 of the Somerset Minerals Plan relates to Water Resource and Flood Risk and, among other aims, seeks to ensure that development would not have an unacceptable adverse impact on the quality of any ground or surface water resources and flood risk.

8.5.2 South Somerset Local Plan 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 would 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”

8.5.3 The Environment Agency Flood Maps for Planning show the site as being located within Flood Zone 1, where there is a low probability (less than 1 in 1000 annual probability of river or sea flooding in any year).

8.5.4 The South Somerset Strategic Flood Risk Assessment considers the working and processing of minerals to be less vulnerable development. This is based on the NPPF Technical Guidance.

8.5.5 The applicant has submitted a Flood Risk Assessment (FRA). This concludes that, as the site is located in Flood Zone 1, the NPPF Technical Guidance and the South Somerset SFRA confirm that less vulnerable development is appropriate, and it is not necessary for an Exceptions and Sequential Test to be undertaken. SSDC, the Lead Local Flood Authority and the Environment Agency have raised no objection to the application in respect of flood risk. It is therefore considered that that there would be no flood risk implications from the development and the proposal is in accordance with policy DM4 of the Somerset Minerals Plan in this regard.

8.5.6 Application reference 18/02799/CPO for substantially the same development was refused in December 2019 with the following, singular reason for refusal –

‘Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF.’

- 8.5.7 Since this refusal, a Geo-Environmental Assessment has been undertaken by South West Geotechnical (SWG) and submitted in support of this application. The purpose of this investigation is to inform a risk assessment concerning the nature, distribution and potential mobilisation of contaminants from the historical landfill adjacent to the proposed area for excavation.
- 8.5.8 The Environment Agency have reviewed this assessment in relation to the proposal’s potential impacts on the water environment. Their full response is set out in paragraph 7.3 of this report (dated 08 July 2020). They conclude, that subject to a number of conditions set out in their response they have no objections to the development proposed. Central to this response is that no working is proposed below the water table and that there will be no dewatering of this site whatsoever.
- 8.5.9 The application submitted is clear that no working is proposed below the water table nor is any dewatering proposed. This is further controlled by the conditions set out in section 9 of this report. Whilst the applicant is clear that there are further reserves available at the site below the water table, the extraction of these reserves **does not** form part of this planning application.
- 8.5.10 Members of the local community have commissioned reviews of the submitted information from Professor Rick Brassington (Consultant Hydrogeologist) and Dr James Kidder (Hydrogeochemist). These reports challenge the findings of the SWG Geo-Environmental Assessment and are available in full via-
<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=SCC%2F3719%2F2020>
- 8.5.11 These reviews (by Professor Brassington and Dr Kidder) have been considered in the second and third responses provided by the Environment Agency, again available in full in section 7.4 of this report. Importantly, considering these submissions, the Environment Agency remain of the opinion that the Geotechnical Report appears to demonstrate that there is not a significant risk

from this development to the water environment. They acknowledge that some uncertainty is inevitable, in terms of unsuspected contamination and the range of hydrogeological conditions that are present, and for this reason they have recommended extensive conditions, all of which are carried through to be recommended in section 9 of this report. These conditions are intended to protect controlled waters and should ensure that only rock above the water table can be worked and that areas of former waste fill are not disturbed.

8.5.12 With the above in mind, it is concluded that, subject to the conditions set out in section 9 of this report, the proposed development would not have an unacceptable adverse impact or risk of adverse impact on the quality of any ground or surface water including by pollution and or contaminated. Therefore, it is considered that the proposed development is in accordance with Policy DM4 of the Somerset Minerals Plan.

8.5.13 The potential for contaminants from the former landfill area to impact upon human health has also been raised as a significant concern by the local community. The primary pathways for these contaminants impacting human health would be either via groundwater and surface water or via the air. As indicated in section 7.3 above, the Environment Agency have set out a number of conditions ensuring that the proposed development will not impact upon the quality of the water environment. These conditions will subsequently guard against impact to human health in this regard. In respect of airborne contaminants, the South Somerset District Council Environmental Health Officer was consulted and had no objections in this regard. The conditions that protect the water environment will in many cases be equally applicable to protecting from airborne contaminants, as they ensure that no working will occur in the area of the historic landfill (or below the water table where contaminants may have been carried by groundwater). Consequently, the proposed development is considered to be in accordance with Policy EQ7 of the South Somerset Local Plan in respect of impacts upon human health.

8.6 Impact on Amenity

8.6.1 Policy DM8 aims to protect local amenity from, amongst other impacts, noise, vibration and dust. Policy EQ7 of the South Somerset Local Plan states that development that would result in, amongst other things noise harm to amenity will not be permitted. Members will be aware of the strong local opposition to this proposal and the representations from local residents are

summarised in section 7.14 of this report. Many have raised noise and dust as potential impact from the proposed quarry.

8.6.2 With regards to noise, section 7 of the submitted Planning Statement provides an assessment of the noise impacts of the development proposed. This assessment concludes, that subject to conditions, the nature and scale of the mineral's operation will not have a significant adverse effect on the noise environment.

8.6.3 SCC's Acoustic Specialist has undertaken a review of the submitted information and produced a response as summarised in paragraph 7.10 of this report. The Acoustic Specialist concludes the noise impacts of this revised development are considered to be no worse than those attributed to the former application on this site and the applicant has now revised and improved the sound insulation of the processing building. The perception of noise expected to arise from quarrying operations and enclosed processing activities could, for the most part, be classified by the Noise Exposure Hierarchy Table of Planning Practice Guidance – Noise 2019 (PPGN) as a 'Present and not intrusive' impact. Based on the levels of noise expected to be present during the majority of time there would be a planning expectation that 'Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life' at surrounding residential development. Noise will be greater during the limited periods of bulk excavation and during operations recognised as 'temporary' under mineral guidance (site preparation & haul road construction) but again these would not exceed the noise levels permitted under this guidance. Under these circumstances the noise impacts of this proposal would not appear sufficient to substantiate planning refusal.

8.6.4 In the context of the greater noise referred during limited periods of bulk excavation and other temporary operations referred to by the Acoustics Specialist, it should be recognised that paragraph 205(g) of the NPPF requires the acknowledgement that 'some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction'.

8.6.5 Overall, it is consequently considered that the noise arising of the development proposed will not generate unacceptable adverse impacts on local amenity

and is consequently in accordance with Policy DM8 of the Somerset Minerals Plan and Policy EQ7 of the South Somerset Local Plan. The conditions set out in section 9 of this report, will further mitigate the noise impact associated with this development, again, in accordance with the above policies.

- 8.6.6 With regards to dust (and air quality), this would be controlled to a large extent by the fact that processing would be carried out within a building. Additionally, dust can be controlled through conditions which would effectively require the operator to stop outdoor working in windy conditions and to keep stockpiles and haulage road damp to prevent fugitive dust.
- 8.6.7 A condition shall be included to ensure that dust monitoring and mitigation strictly in accordance with the approved Dust Mitigation Scheme. Consequently, it is considered that dust (and air quality) will not generate unacceptable adverse impacts on local amenity and is therefore in accordance with Policy DM8 of the Somerset Minerals Plan and Policy EQ7 of the South Somerset Local Plan.
- 8.6.8 It is noted that since submission of the application, an appeal has been allowed to grant planning permission for an additional 3 holiday lets to the east of the site (on the opposite side of Vedal Drove). This development does not bring any part of the proposal substantially closer to residential properties. In particular, the operational area of the proposed quarry is located approximately 300 metres west of the holiday lets. Consequently, it is not considered that this changes the conclusions drawn in relation to the amenity impact of the proposed development (as set out above).

8.7 Landscape and Visual Impact

- 8.7.1 Policy DM1 of the Somerset Minerals Plan requires that minerals development does not generate unacceptable adverse impacts on landscape and visual amenity and that measures are taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity. This is supported by Policy EQ2 of the South Somerset Local Plan.
- 8.7.2 The proposed development is not located within an area formally designated for landscape purposes.
- 8.7.3 Whilst objectors have raised the landscape and visual impact of the development proposed as a matter of concern, the site is surrounded by mature trees and hedging and is, therefore, already screened to a degree from

surrounding roads and properties. The edge of the site is visible from the field gate on Batts Lane, which would form the access track to the quarry, but the majority of the quarry site is not visible from the access as the land slopes away to the southwest. The processing building would be about 5.6m high at its highest point and would be located well within the development area. It is not considered that the quarry itself would represent a significant impact on visual amenity, although quarry machinery and vehicles may be partially visible from the highway and nearby properties. However, such impacts are not considered to be so significant as to warrant refusal of the application.

- 8.7.4 It is also noted that the topography decreases from about 20m AOD on the A372 opposite the proposed quarry, to around 16m AOD where the building would be located. Therefore, only the top of the building would be visible from the highway and the properties opposite. There would be partial view of the building from the east/north east, but its appearance would be similar to that of an agricultural building. In these circumstances the proposal would not represent an unacceptable adverse impact on landscape or visual amenity, and would therefore not contravene Policy DM1, or South Somerset Local Plan Policy EQ2.

8.8 Highways and Traffic Impact

- 8.8.1 Policy DM9 (Minerals transportation) of the Somerset Minerals Plan states that 'planning permission for mineral development will be granted subject to the application demonstrating that the road network serving the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to: a) highway safety; b) alignment; c) proximity to buildings; d) air quality; e) the integrity of the road network including construction and any impacts on capacity; f) disruption to local communities'.

- 8.8.2 The proposed development will intensify the use of the existing field access. The submitted Planning Statement outlines that although an average of 2,000 – 3,000 tonnes of building stone is proposed to be removed from site per annum 'If supply is for a specific construction project, a higher rate of up to 5,000 tonnes per year equating to a maximum of 15,000 tonnes over a single three-year period might occur on occasion'. In the event of this higher level of

extraction, this will equate to approximately 500 two-way lorry movements per annum. In addition, there would be the need for the two site workers to travel to and from the site on a daily basis.

- 8.8.3 The Somerset County Council Highways Development Management team was consulted on this application and has no objection to the proposed development subject to the conditions set out in section 7.8 of this report.
- 8.8.4 Overall, whilst the proposed development will result in an intensification of the existing field entrance, it is not considered that the proposed development will have an unacceptable impact on highway safety or result in severe cumulative impacts on the road network for the purposes of paragraph 109 of the NPPF (2019).
- 8.8.5 Further to this, it is considered that, subject to the conditions set out by the Somerset County Council Highways Development Management team, the road network is suitable for the level of traffic associated with the proposed development. The upgrades required to the access are minor in nature and are considered to not have an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. This, coupled with the level of traffic is not sufficient in volume and nature to conflict with policy DM9 of the Somerset Minerals Plan, having regard to the criteria A-F of this policy.

8.9 Ecological Impact

- 8.9.1 The application site is not within an area formally designated for nature conservation purposes. Abbas Ecology undertook a preliminary Ecological Appraisal in May 2017. Further visits were undertaken in June 2018 and October 2020. The results of the surveys were as follows:
- Habitats: The site is in an arable field but has value at its boundary features including a pond left over from neighbouring quarrying activities. The hedgerow was assessed to comply with the Hedgerow Regulation 1997. The hedgerows were found to be species-rich but not in favourable condition.
 - Amphibians: The pond was tested for Great Crested Newt (GCN) DNA but returned as negative. However, the pond still has wildlife merit due to

water quality as assessed by carrying out a GCN Habitat Suitability Index Assessment.

- Birds: Breeding birds are likely within the hedgerows.
- Badgers: A sett is located near the pond on site.
- Bats: Two ash trees in hedgerow, lower potential around pond. The hedgerow and pond provide foraging and commuting habitat.
- Dormice: The hedgerow was considered to provide low potential for this species.

8.9.2 Policy DM2 of the Somerset Minerals Plan states that minerals development should not generate unacceptable adverse impacts on biodiversity and measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity. This is supported by policy EQ4 of the South Somerset Local Plan.

8.9.3 Primarily, the impacts of the proposed development on habitats, relate to the temporary loss of an arable field which has a low biodiversity value. Secondary impacts on habitats such as hedgerows adjacent to the site can be controlled by planning conditions for example restricting lighting.

8.9.4 Equally, the impacts on protected and priority species can be controlled by the conditions requested by the SCC Ecologist set out in 7.8 of this report.

8.9.5 Subject to the inclusion of these conditions (mitigation measures), it is considered that the proposed development will not generate an unacceptable adverse impact on biodiversity and is therefore in accordance with policies DM2 and EQ4.

8.9.6 In respect of providing a biodiversity net gain as required by paragraph 170 of the NPPF and encouraged by policy DM2 of the Somerset Minerals Plan, a condition should be imposed requiring the submission of a Biodiversity Enhancement and Management Plan (BEMP) including the recommendations set out within Section 8 of the Preliminary Ecological Assessment.

8.9.7 With regards to the Somerset Levels and Moors Ramsar Site an assessment of the potential impacts and of impact pathways to the Ramsar site has been undertaken. It is noted that the proposed quarry works will take place above the water table and so will not involve any dewatering. The Environment

Agency have suggested a number of water management measures and conditions to ensure that dewatering does not occur and to prevent surface water pollution, which should be included.

8.9.8 Therefore, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

8.10 The Historic Environment

8.10.1 A geophysical survey of the application area was submitted in support of the application. This survey indicates that there are significant archaeological features on the site. Additionally, South West Heritage have outlined that there have been a number of Roman period burials found close to the proposal site and unfortunately, geophysical survey does not often locate such features. Therefore, there is a potential for further burials to be revealed during quarry operations.

8.10.2 Paragraph 199 of the National Planning Policy Framework outlines that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

8.10.3 Policy DM3 (Historic Environment) of the Somerset Minerals Plan reiterates this point, stating that Planning permission for mineral development will be granted subject to the application demonstrating that adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the County Archaeologist, and the recording of relevant information to advance understanding of the asset.

8.10.4 In this instance, the South West Heritage Trust have recommended that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. Consequently, subject to the inclusion of this condition, it is considered that the proposed development

is in accordance with policy DM3 of the Somerset Minerals Plan and paragraph 199 of the National Planning Policy Framework.

8.10.5 There are a number of listed buildings in the vicinity, the closest of which is a Grade II Listed 17th century detached cottage at Upton Cross. This building is approximately 300 metres east of the nearest point of mineral extraction on the opposite side of the A372. Consequently, it is considered that any impact upon this building would be limited to indirect impacts from vehicles entering and exiting the site via Upton Cross and the minor upgrades required to the site entrance. The A372 is a relatively major road carrying a substantial amount of traffic, the low level nature of vehicle movements generate by the proposed development (set out in 8.8.2) and the scale of the entrance improvement required are not considered to have a significant impact on the listed building or its setting.

8.11 Restoration

8.11.1 Policy SMP8 of the Somerset Minerals Plan states: "Mineral sites should be restored to high environmental standards as soon as practicable, where possible through phased restoration whilst other parts of the site are still being worked. The restoration, aftercare and after-use of former mineral working sites will be determined in relation to:

- a) the characteristics and land use of the site;
- b) the surrounding environmental character and land use(s); and
- c) any specific local requirements.

Proposals for restoration and aftercare must demonstrate how they meet the criteria set out in policy DM7."

8.11.2 The application proposes that the quarry would be progressively backfilled with arisings and stone processing waste to a level which would ultimately be self-draining and be restored to agricultural use. All extracted materials, other than usable stone, would be used to backfill the void in stages as the stone becomes exhausted. All material would be stored separately to avoid mixing. The precise details of restoration would be subject to a planning condition, to be implemented following the completion of extraction.

8.11.3 The proposed agricultural after-use is considered appropriate given the characteristics and land use of the existing site and surrounding area.

Consequently, the proposed development is considered to broadly accord with policy SMP8 of the Somerset Minerals Plan.

8.11.4 In respect of policy DM7, planning permission for mineral development will be granted subject to the applicant submitting restoration and after-use proposals, which:

- a) Clearly state how the criteria in the reclamation checklist (Table 7) have been met; and
- b) Include satisfactory information on the financial budget for restoration and after-use, including how provision for this work will be made during the operational life of the site.

8.11.5 It is considered that the restoration proposed is broadly appropriate and its progressive nature is consistent with the aims of policies SMP8 and DM7. The applicant has stated that 'Indicative restoration levels are identified on Plan GEL S5B in the Working Plan but the precise levels would not be known for some years but would be agreed with the Council via the landscape restoration scheme to be secured by means of planning condition'. The restoration proposed has had regard to the reclamation checklist, for example, soils will be carefully conserved for use in restoration, which will ensure that the agricultural land will be restored to its former quality. Overall, it is considered that the proposed development accords with policies SMP8 and DM7 however, it is noted that the final submitted restoration scheme required by condition will require further consideration, particularly against policy DM7.

8.12 Concluding Comments

8.12.1 To conclude, Minerals Topic Paper 2 Building Stone (December 2012) identifies blue Lias as being "needed". Paragraphs 8.4.5 – 8.4.7 of this report set out that, since the adoption of the Somerset Minerals Plan, this situation has not changed, so it would be difficult to argue that there is not a "generic" need for this stone in the County.

8.12.2 The proposed development is considered to broadly accord with Policy SMP5 of the Somerset Minerals Plan, which sets out the broad strategy in relation to proposals for the extraction of building stone in the SCC administrative area.

8.12.3 Application reference 18/02799/CPO for substantially the same development was refused in December 2019 with the following reason for refusal –

'Insufficient information has been provided to demonstrate that the proposed development would not present an unacceptable risk to controlled waters. Specific areas of uncertainty relate to the nature of contamination present, what the distribution of these contaminants is in soils and groundwater and what risks this specific development introduces in relation to these risks. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF'. This reason for refusal has now been overcome through the submission of further information.

8.12.4 The application is considered to be in accordance with the Development Plan in all other regards and there are no material considerations that would warrant refusal of the application. Consequently, the proposed development is recommended for approval subject to conditions.

9. Recommendation

9.1 It is recommended that planning permission be GRANTED subject to the imposition of the following conditions, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

COMMENCEMENT

1 The development shall commence within three years of the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

TEMPORARY PERMISSION

2 The development permitted shall cease and the permission area shall be restored in accordance with the requirements of Condition 41 on or before 24 June 2036.

REASON: To ensure the development is completed in the appropriate timescale in accordance with the application details in the interests of the amenity of the area.

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

- 3 The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
- Location Plan (596(00)01B)
 - Proposed Site Plan (596(00)03J)
 - Processing and Storage Building Plans and Elevations (596(00)05B)
 - Visibility Splays at Junctions (596(00)04A)
 - Ground Investigation GEL SE1B (BS3038/11.19/03/HR)
 - Groundwater Monitoring GEL SE2B (BS3038/11.19/03/HR)
 - Working Phases GEL S3B (BS3038/03.20/01/HR)
 - Initial Material Movement GEL S4B (BS3038/03.20/01/HR)
 - Restored Surface GEL S5B
 - Sections BB and CC (596(00)06A)
 - Planning Statement (Revised March 2021)
 - Revised Working Plan (March 2021)
 - Preliminary Ecological Assessment (December 2020)
 - Surface Water Drainage Arrangements (December 2020)
 - Geo-Environmental Assessment (September 2019)
 - Geo-Environmental Assessment Addendum (October 2020)
 - Transport Statement (July 2018)
 - Flood Risk Assessment (October 2018)
 - Dust Mitigation Scheme (January 2018)
 - Gerard Edwards Limited Letter of Response to Professor Brassington (5 March 2021)

- Gerard Edwards Limited Letter of Response to Stop Batt's Quarry Action Group (25 November 2020)
- Rockwool Sound Insulation Prediction (4 August 2020)

unless as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

PRE-COMMENCEMENT CONDITIONS

- 4 No part of the development hereby permitted shall be commenced until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organization responsible for implementation of the plan; and
 - h) on-going monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP will be implemented in accordance with the approved details.

REASON: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy EQ4 of the South Somerset Local Plan.

- 5 No part of the development hereby permitted shall be commenced until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The submitted CEMP shall include:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones", including badger sett, pond and 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, badgers and dormice (see separate condition);
 - 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 Mineral 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;
and

- i) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The CEMP shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Mineral Planning Authority.

REASON: To ensure the development is in accordance with Policy DM2 of the Somerset Minerals Plan and Policy EQ4 of the South Somerset Local Plan.

- 6 No part of the development hereby permitted shall be commenced until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The content of the BEMP shall include the recommendations set out within Section 8 of the Preliminary Ecological Assessment, Proposed Quarry, Batts Lane, near, Long Sutton (Abbas Ecology 2020) report.

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.

- 7 No part of the development hereby permitted shall be commenced until a programme of archaeological work has been carried out in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Mineral 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.

REASON: To ensure that the proposed development does not have an unacceptable impact on the historic environment in accordance with Policy DM3 (Historic Environment) of the Somerset Minerals Plan.

- 8 Prior to the commencement of each phase of the development hereby permitted, a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (approved under

condition 5) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required.

This report shall be submitted to the and approved in writing by the Mineral Planning Authority.

Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and with Policy DM2 of the Somerset Minerals Plan and Policy EQ4 of the South Somerset Local Plan.

- 9 No part of the development hereby permitted shall be commenced until a groundwater monitoring scheme has been submitted in writing and approved by the Mineral Planning Authority.

The scheme will show where groundwater observation boreholes will be located and how they will use these to determine the depth to groundwater and therefore the extent of unsaturated resource available for exploitation in the working area. The scheme will detail what will be done to ensure sufficient provision of monitoring locations if existing locations become unreliable or are lost or destroyed in future. The scheme shall include, where available, borehole construction details and proposed monitoring frequencies and provisions for record future keeping.

The approved scheme shall be implemented for the duration of the proposed development.

REASON: To ensure the adequate protection of groundwater from pollution or contamination in accordance with Policy DM4 of the Somerset Minerals Plan.

- 10 No part of the development hereby permitted shall be commenced until details of the surface water drainage scheme, including details of a programme of implementation and maintenance for the lifetime of the

development, have been submitted to and approved in writing by the Mineral Planning Authority.

The submitted surface water drainage scheme shall include/demonstrate:

- Details for provision of any temporary drainage during construction.
- Details on the design and function of the surface water drainage system, including demonstrating that the receiving system is suitable to take flows.
- Site runoff should be adequately treated to ensure that no sediments or pollutants are passed on to any downstream receiving water bodies, SuDS or sewer, and safeguards should be implemented to minimise the risks of pollution. Such safeguards should cover:
 - the use of plant and machinery
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes both on and off site.
- A management and maintenance plan for the lifetime of the development.
- Post operation the applicant must ensure that the site is restored to post development greenfield conditions, this should demonstrate that rainwater will be able to infiltrate into the ground as per greenfield conditions and that the topography of the site is restored to natural conditions. Any further measures must be detailed and shown to restore the site to natural conditions.
- No water shall be discharged on to the Highway.

The drainage scheme shall ensure that surface water runoff during operation is attenuated on site and 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 including any drainage measures to ensure that this will be undertaken.

The development shall then be carried out in accordance with the approved details.

REASON: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved 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.

- 11 No part of the development hereby permitted shall be commenced until a plan is submitted to and approved in writing by the Mineral Planning Authority denoting where the historic landfill site is located within the site. This will be accompanied by a working plan describing how they will ensure that the area of the historic landfill will remain undeveloped. This information shall include details of a 'buffer zone' around the area of the historic landfill site to prevent disturbance and encroachment.

The development shall be carried out in strict accordance with the approved scheme.

REASON: To protect controlled waters and 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 in line with paragraph 109 of the National Planning Policy Framework.

- 12 No part of the development hereby permitted shall be commenced until a scheme for the storage of oils, fuels and associated chemicals has been submitted to, and approved in writing by, the Mineral Planning Authority. Any such scheme shall be supported, by detailed calculations and a maintenance programme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To ensure that the proposed development does not harm the water environment in accordance with Policy DM4 of the Somerset Minerals Plan.

- 13 No part of the development hereby permitted shall be commenced until detailed drawings of the proposed site office/ welfare facility and generator/ fuel store have been submitted to and approved in writing by the Minerals Planning Authority. The development shall then be carried out in accordance with the details approved.

REASON: To ensure that the proposed development does not have an unacceptable landscape and visual impact in accordance with Policy DM1 of the Somerset Minerals Plan and Policy EQ2 of the South Somerset Local Plan.

- 14 No part of the development hereby permitted shall be commenced until details of the consolidated surfacing of the driveway between the edge of the highway and the entrance gates have been submitted to and approved in writing by the Mineral Planning Authority. The access shall be constructed prior to the commencement of quarrying and maintained in accordance with the approved details

REASON: In the interest of highways safety in accordance with Policy DM9 of the Somerset Minerals Plan.

- 15 No part of the development hereby permitted shall be commenced until a scheme detailing measures to ensure that vehicles leaving the site do not emit dust or deposit slurry, mud or debris on the public highway has been submitted to and approved in writing by the Mineral Planning Authority.

The approved scheme shall be implemented for the duration of the development.

REASON: In the interest of highways safety in accordance with Policy DM9 of the Somerset Minerals Plan.

- 16 Prior to the extraction of any minerals, a Noise Prevention and Mitigation Strategy will be submitted to and approved in writing by the Minerals Planning Authority. The submitted scheme shall include the plant and equipment used by the operation and the procedures to be adopted to minimise noise emissions from both extraction and processing operations.

Once approved, the development [including the plant and equipment used] shall be carried out in strict accordance with the Noise Prevention and Mitigation Strategy.

REASON: To ensure that noise does have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 17 Prior to any works (including groundworks) commencing on site, vegetation clearance shall be carried out in strict accordance with one of the following procedures:
- a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Mineral Planning Authority by the licensed dormouse ecologist within 1 week; or

- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Mineral Planning Authority by a licensed dormouse ecologist within one week of the work

REASON: In the interests of the strict protection of a European protected species and in accordance with policy DM2 of the Somerset Minerals Plan.

HIGHWAYS

- 18 The access to the site from the public highway shall be constructed and maintained at a minimum width of 11.5 metres

REASON: In the interest of highways safety in accordance with Policy DM9 of the Somerset Minerals Plan.

- 19 Any entrance gate erected shall open inwards (away from the highway) and set back a minimum of 20 metres from the highway edge.

REASON: In the interest of highways safety in accordance with Policy DM9 of the Somerset Minerals Plan.

- 20 Visibility splays shall be maintained in strict accordance with the plan titled/referenced 'Visibility Splays at Junctions (596(00)04A)

REASON: In the interest of highways safety in accordance with Policy DM9 of the Somerset Minerals Plan.

- 21 The access track to the site shall be maintained with a level surface.

REASON: To ensure that noise does not have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

OPERATIONAL CONDITIONS

- 22 The output of stone products from the site shall not exceed an average of 5,000 tonnes per annum over any consecutive three-year period.

REASON: To minimise the impact of the development on the local residents in accordance with Policy DM8 of the Somerset Minerals Plan.

- 23 Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority within five days) the working hours of the site shall be between:

a) 0700 and 1800 Monday to Friday; and

b) 0700 and 1300 Saturdays

No operation except plant servicing shall take place between 1300 and 1700 on Saturdays.

No operations, including vehicle movements, shall occur on Sundays or Public or Bank Holidays.

REASON: In the interests of controlling and limiting the effects on the local environment and community in accordance with Policy DM8 of the Somerset Minerals Plan and Policy EQ7 of the South Somerset Local Plan

- 24 Phasing shall be carried out as described in the Revised Working Plan (March 2021).

REASON: To limit the impact on landscape and visual amenity in accordance with Policy DM1 of the Somerset Minerals Plan and Policy EQ2 of the South Somerset Local Plan.

- 25 The development shall be carried out in accordance with the groundwater monitoring scheme approved under condition 9. On the basis of the approved monitoring scheme, the operator shall demonstrate, through the provision of groundwater monitoring data and borehole locations, that in those areas in which they are quarrying they are working above the water table at the time they are/were quarrying.

REASON: To ensure the adequate protection of groundwater from pollution or contamination in accordance with Policy DM4 of the Somerset Minerals Plan.

- 26 No dewatering of groundwater shall occur from any excavations or any other location which induces draw-down at the application site using a pump, or by any other means, including gravity-induced drainage or syphon. Stone shall only be quarried (and overburden removed) which is, at the time the work is being undertaken, above the water table.

REASON: To ensure the adequate protection of controlled waters and 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 and contamination in line with paragraph 109 of the National Planning Policy Framework.

- 27 If, during operation of the site, contamination not previously identified is found to be present at the site then no further development 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 Mineral Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters and 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 in line with paragraph 109 of the National Planning Policy Framework.

- 28 Processing of quarried material shall only be carried out within the 'Processing and Storage Building' as shown on the Proposed Site Plan (596(00)03J). Whilst processing all windows and doors of the building shall remain closed.

REASON: In the interest of residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 29 Dust monitoring and mitigation shall be carried out as indicated in the approved Dust Mitigation Scheme (January 2018).

REASON: In the interest of residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 30 The noise from normal quarrying and processing operations shall not exceed a freefield LAeq(1hour) noise level of 46dB within the residential boundary of any property present at the grant of this consent.

REASON: To ensure that noise does have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 31 The noise from the temporary operations of site development and surface preparation shall not exceed a freefield LAeq(1hour) noise level of 70dB at 3m from any residential façade nor take place for a period exceeding 8 weeks in the period of a year.

REASON: To ensure that noise does have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 32 All mobile plant and HGV to be used on site shall be silenced in accordance with manufacturers specification and shall be used and maintained so as to minimise noise. Site based plant that is required to use reverse warning alarms shall be fitted with 'broadband' or 'white noise' devices.

REASON: To ensure that noise does have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 33 There shall be no use of a hydraulic excavator breaking hammer for the removal or processing of stone within the site.

REASON: To ensure that noise does have an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 34 Stockpiles shall only be located as indicated on the approved plans and shall not exceed 4 metres in height.

REASON: To limit the impact on landscape and visual amenity in accordance with Policy DM1 of the Somerset Minerals Plan and Policy EQ2 of the South Somerset Local Plan.

- 35 No blasting (use of explosives), crushing or screening shall be carried out at the site.

REASON: To ensure that there is not an unacceptable impact on residential amenity in accordance with Policy DM8 of the Somerset Minerals Plan.

- 36 No external lighting shall be installed at the site unless a Lighting Strategy for Biodiversity has been submitted to and approved in writing by the Mineral Planning Authority. The strategy shall:

- a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate 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 breeding sites and resting places; and
- c) show that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Mineral Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy.

REASON: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework, ODPM Circular 06/2005 and with policy DM3 of the Somerset Minerals Plan.

- 37 Notwithstanding the provisions of Parts 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 mineral working, mining and mineral exploration, there shall be no development or activity additional to that specific in this planning permission within the red line boundary of this site following the commencement of development.

REASON: To enable the Mineral Planning Authority to adequately control the impacts of the operation according to the submitted details, and to minimise the landscape impact and the extent of disturbance from the development in accordance with Policies DM1 and DM8 of the Somerset Minerals Plan.

- 38 No waste materials shall be imported into the site.

REASON: To minimise the impacts upon local residents and the highway network in accordance with Policies DM8 and DM9 of the Somerset Minerals Plan.

- 39 No topsoil or subsoil shall be removed from the application area.

REASON: To ensure that all available soils are retained for use in restoration in accordance with Policies SMP8 and DM7 of the Somerset Minerals Plan.

RESTORATION AND AFTERCARE

- 40 Progressive restoration shall be carried out as described in section 11 of the Revised Working Plan (March 2021).

REASON: To ensure the site is restored in accordance with Policies SMP8 and DM7 of the Somerset Minerals Plan.

- 41 The land subject to this planning permission shall be restored in accordance with a detailed Restoration and Aftercare Scheme, which shall bring the land to the standard required for agriculture, which shall be submitted for approval to the Mineral Planning Authority by 24 June 2031, unless otherwise agreed in writing by the Mineral Planning Authority. The scheme shall specify the following matters:

- a) final levels of the restored land;

- b) the preparation of the land surface before soiling;
- c) the depth and method of spreading of subsoils and topsoil;
- d) the cultivation and fertilisation of soils;
- e) the provision of land drainage;
- f) design and location of fencing and hedgerows;
- g) access onto and throughout the site;
- h) the specification of grass seed mix, location, size and species of trees, bushes, shrubs and hedgerows;
- i) methods of staking, screening and mulching of trees, bushes and hedgerows;
- j) an outline strategy for the five-year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken.
- k) a programme of monitoring of the progress of all planting and seeding and drainage provision, together with details of how the developer will remediate any problems that arise during the aftercare period caused either by failure or inadequate initial provision; and
- l) provision for the submission to the Mineral Planning Authority of a detailed annual programme of works

The approved restoration scheme shall be fully implemented by 24 June 2036, with the necessary aftercare measures implemented for a minimum of five years (subject to any failings following the completion of restoration).

REASON: To ensure the site is restored in accordance with Policies SMP8 and DM7 of the Somerset Minerals Plan.

- 42 In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the development shown on the drawing titled 'Working Phases GEL S3B' (BS3038/03.20/01/HR) 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 restoration and aftercare scheme which includes the matters prescribed in Condition 41 shall be submitted for approval to the Mineral Planning Authority. The scheme shall be submitted within 6 months of the operator/landowner being informed by the Mineral Planning Authority of its opinion that working has ceased. Once approved, the scheme shall be fully implemented.

REASON: To ensure the site is restored in accordance with Policies SMP8 and DM7 of the Somerset Minerals Plan.

INFORMATIVES

Pollution Prevention During Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Badgers

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.

Highways

All works which affect the highway shall be carried out in accordance with the agreement of the Highways Authority.

Land Drainage Act

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/wasteplanning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

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:

- Somerset Minerals Plan (Adopted 2015)
- South Somerset Local Plan 2006 -2028 (adopted 2015)

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

Somerset Minerals Plan (Adopted 2015)

- *SMP5 (Building Stone)*
- *SMP8 (Site Reclamation)*
- *DM1 (Landscape and Visual Amenity)*
- *DM2 (Biodiversity and Geodiversity)*
- *DM3 (Historic Environment)*

- *DM4 (Water Resources and Flood Risk)*
- *DM7 (Restoration and Aftercare)*
- *DM8 (Mineral Operations and the Protection of Local Amenity)*
- *DM9 (Minerals Transportation)*
- *DM12 (Production Limits and Cumulative Impacts)*

South Somerset Local Plan 2006 -2028 (adopted 2015)

- *TA5 (Transport Impact of New Development)*
- *EQ1 (Addressing Climate Change in South Somerset)*
- *EQ2 (General Development)*
- *EQ3 (Historic Environment)*
- *EQ4 (Biodiversity)*
- *EQ7 (Pollution Control)*

10.3 The Minerals Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework and Planning Practice Guidance - Minerals

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

Somerset County Council

Regulation Committee –

Report by Helen Vittery

Service Manager – Planning & Development, Enforcement & Compliance
