

Somerset County Council

Regulation Committee – 8 April 2021

Report by Service Manager - Planning & Development, Enforcement & Compliance:

**Application Number:** SCC/3777/2020

**Date Registered:** 11 January 2021

**Parish:** Compton Pauncefoot

**District:** South Somerset

**Member Division:** Blackmoor Vale

**Local Member:** Councillor William Wallace

**Case Officer:** Ruth Amundson

**Contact Details:** RAmundson@somerset.gov.uk. Tel: 01823 358254

**Description of Application:** Planning Application for the extension of Blackford Hill Quarry.

**Grid Reference:** Easting - 366000, Northing - 125188

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

**Location:** Blackford Hill Quarry, Quarry Hill, Blackford, Yeovil, BA22 7EA

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

**1.1** This is a full application for the extraction of up to 21,000 tonnes of building stone over a period of 14 years. The 1.25-hectare site lies to the south of the A303 near the village of Blackford and is currently in agricultural use.

### **1.2. The main issues for members to consider are:**

- Planning policy context and the principle of the development
- Highways and transportation impact
- Environmental impact, including noise and dust
- Impact on amenity and living conditions of neighbours
- Visual and landscape impact
- Any impact on heritage assets in the local area
- Any impact on ecology and biodiversity

- Groundwater and surface water drainage
- Flood risk

**1.3 It is recommended that planning permission be GRANTED subject to the imposition of the conditions set out in section 9 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager – Economy & Planning**

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

- 2.1** The site is located approximately 930 metres south of the village of Blackford, which lies to the south of the A303 Yeovil to Wincanton road. Blackford is designated as a conservation area in the SSLP.
- 2.2** There is an existing, historic quarry at the site, which has been used recently for the extraction of stone for agricultural purposes within the farm unit on which it is located. The extension area comprises 0.6 hectares of agricultural land to the south of the existing quarry.
- 2.3** Access is proposed from Quarry Hill, a minor road leading south from Blackford village. The quarry traffic would use an existing access point that is currently in use in connection with agriculture. The boundary of the site adjoining Quarry Hill is marked by mature hedgerow which continue either side of the access point.
- 2.4** The nearest house is located approximately 105 metres from the proposed extension area to the north east. Another group of houses is located approximately 250 metres to the south east of the extension area.

## **3. The Proposal**

- 3.1** The application proposes the extraction of natural building stone over a period of 14 years. The applicant has identified a need for the Oolitic limestone found at the site, which is not currently extracted commercially and wishes to make it available for conservation of historic buildings in the local area.
- 3.2** A single excavator would be used to extract stone in short campaigns lasting up to two days a week and involving two HGV loads a week to transport the stone to the applicant's masonry works at Tout Quarry for cutting and dressing. Stone would also be sold from Tout Quarry.
- 3.3** Following mineral extraction, the site would be restored to agricultural use by infilling the void with inert material arising from the removal of stone. It is not proposed to import material to the site for restoration purposes.
- 3.4** The existing quarry occupies 3,020 square metres of land and the extension area 5,990 square-metres. Approximately 2,150 square metres would be taken up with screen bunds and buffers and 1,340 square metres with the access and haul road.

- 3.5** The site would be worked in two phases to extract stone to a depth of between 3 metres and 6 metres. The applicant expects around 50% of the stone to be unsuitable for sale and this will be retained on site and used in restoration.
- 3.6** Soils and overburden would be stored in bunds around the site for later use in restoration and would be sown with low maintenance grass seed to reduce visual impact until required. Once extracted stone would be stored in stockpiles below the height of the screen bunds
- 3.7** The quarry is expected to yield around 21,000 tonnes of saleable stone, on average 1,500 tonnes a year over its 14- year life. Stone would be transported using vehicles owned by the applicant and there would be a maximum of two loads a week (four vehicle movements) associated with the transportation of stone off site.
- 3.8** A sporadic need to move the excavator to and from the site would also arise but the application states that wherever possible the excavator would be brought to the site by a lorry travelling to the site to pick up stone.
- 3.9** Working hours are proposed to be 08.00 to 17.00 Monday to Friday and 09.00 to 13.00 on Saturday. No working would take place on Sundays and public holidays.
- 3.10** Ham and Doulling Stone is a family owned firm employing 8 staff. The proposed development would support existing employment and lead to one additional job being created.
- 3.11** Oolitic limestone is a traditional building material within Somerset but it is not currently extracted. Hadspen stone has similar characteristics but varies in colour. It is important that there are a variety of building stones available for matching so that local character can be maintained in the conservation of older buildings and in new builds.

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

- 4.1** There is an existing historic quarry at the site. Recently stone has been extracted for agricultural use within the farm holding on which the quarry is located. This is permitted under the general permission granted by Schedule 2, Part 6, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, provided the mineral is not moved off the farm unit.
- 4.2** The application has been made because the applicant wishes to make the stone more widely available for repair and conservation of local buildings and to extend the current quarry area.
- 4.3** An enforcement case to consider allegations that the quarry has not operated within the terms of the permitted development rights set out above has been held in abeyance pending determination of this application.

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

##### **5.1 Plans and documents submitted with the application:**

- Application form 22 December 2020, certificates, and fee
- Covering letter 22 December 2020
- Supporting statement and appendices A, B, C, D, E, F, G dated 22 December 2020
- Drawing number 803A/001 Location Plan
- Drawing number 803A/002 Site Plan
- Drawing number 803A/003 Topographical Survey
- Drawing number 803A/004 Phase 1 Working Plan
- Drawing number 803A/005 Phase 2 Working Plan
- Drawing number 803A/006 Restoration Plan
- Drawing number 803A/007 Sections Phase 1
- Drawing number 803A/008 Sections Phase 2
- Drawing number 803A/009 Restoration Sections
- Email re vehicle trips dated 11/03/2021

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

- 6.1** The proposed development falls within schedule 2 of the 2017 EIA regulations. The application has been screened and it is not considered to be EIA development.
- 6.2** The quarry would be small-scale and the effects would be limited and experienced over a temporary period of 14 years. The potential impacts, including noise, dust, additional traffic movements, loss of agricultural land, visual impact, landscape impact, impact on ecology and habitats and impact on heritage assets are capable of mitigation through the imposition of planning conditions.
- 6.3** The site is not within or close to a sensitive area as defined in the regulations, the site area is significantly less than 15 hectares and at 1,500tpa the output would be less than the indicative threshold of 30,000tpa where EIA is more likely. In view of this and having regard to the selection criteria, the proposal is unlikely to generate significant environmental effects or effects over a wider than local area.
- 6.4.** Restoration of the site would significantly reduce the effects in the longer term and offers the opportunity for environmental enhancement. The effects of quarrying are, therefore, reversible through the restoration of the site.

## **7. Consultation Responses Received**

### *External Consultees*

#### **7.1 Environment Agency**

The Environment Agency has no objection to this proposal for the extraction of Oolitic Limestone for building stone, subject to, no excavation of stone to be permitted below the maximum winter water table and no dewatering of the quarry void at any time.

In the event of planning permission being given it is recommended that a scheme for the prevention of pollution is provided.

#### **7.2 Wessex Water**

No comments received

#### **7.3 Parish Councils**

##### *Blackford and Compton Pouncefoot:*

As Chairman of Blackford and Compton Pouncefoot Parish Meeting I feel that the many objections submitted for this Planning Application speak for themselves.

Despite Covid preventing normal Parish Meetings and discussion, I have been struck by the strength of objections and level of response there has been.

The responses made on this application so far are the greatest number of inputs from Blackford residents, on ANY subject, that anyone who has contacted me can remember.

It has really drawn out residents' views on what is appropriate and what is inappropriate for the future of our community, with 80% submitting objections.

Highways in particular feature in virtually everyone's objections, and it is clear that we need a site meeting with them.

As a Parish we have communicated with this department on various issues regarding our roads, with a trail going back to at least 2016.

The other concern, which has also featured in various objections, is the impact the proposal will have on Quarry Hill Cottage, which is virtually opposite the site, and on Ashclose Farm, and its B&B business, which adds income to the local businesses with visitors spending money in the pubs and shops. The noise from the Quarry will make outside living, from Spring onwards, quite unbearable.

The Somerset Heritage records show 18 listed buildings and features, in our very small village of 29 dwellings, 9 of which are Grade II under National Heritage. Indeed, one of these is right on the narrowest part of the road where the lorries are proposed to pass. Most of these listed buildings are built of Cary stone. These

buildings were erected at a time when the Blackford quarry was operational, implying the Blackford stone is not sound enough for non-agricultural use.

In the last 20 yrs. at least 14 properties have been either extensively renovated, extended, or converted from old barns. None of these have used Blackford stone but sourced stone from neighbouring quarries, which has fully satisfied the planning requirements for the conservation area.

This Parish STRONGLY objects to this planning application and urges the planners to consider the impact it will have on our community if passed.

*Charlton Horethorne:*

Charlton Horethorne Parish Council is opposed to this application. We are the neighbouring village to Blackford and four Charlton Horethorne properties are within 300 metres of the proposed quarry. Two of these are businesses, one a farm managed in such a way as to provide many wildlife habitats, the other a bed and breakfast business offering "peace and quiet in a rural setting". As a Parish Council we take the view that both businesses (and the wild life) would be seriously adversely affected by the noise of a quarry licensed to operate five and a half days a week and by the increased movement of heavy vehicles on the narrow access roads.

The Parish Council is also reliably informed that there are bats living in the quarry – these would of course be disturbed by quarrying activity.

The Parish Council is concerned at the prospect of heavy goods vehicles leaving the proposed quarry loaded with quarried stone and returning loaded with unusable stone and doubtless landfill waste from construction sites. One of the routes for these vehicles is likely to be Blackford Road which in a southerly direction leads to the centre of Charlton Horethorne village two kilometres away. North Road/Blackford Way is extremely narrow for most of its length, two vehicles only being able to pass each other if one pulls off the road, often into deep potholes or damaged verges. Some residential properties are only a metre or two from the road and are already shaken by the many heavy farm vehicles using the road. Additional heavy vehicles can only cause further damage to the road and its verges and bring increased danger to other road users, including cyclists, horse riders and walkers. Since the start of Covid lockdowns the number of these has substantially increased.

#### **7.4 South Somerset District Council**

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

#### **7.5 South West Heritage**

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **7.6 Somerset Wildlife Trust (Summary)**

It is difficult for the Somerset Wildlife Trust to argue against the development on the basis of the evidence that is currently available. Nevertheless, we are concerned at the possible impact of the development on the Nature Recovery Network and the possible impact on the local Environmental Network. We also question whether or not it is sustainable to continue to use natural resources in this way. We would have very serious objections to any subsequent proposal to further extend the quarry. We would also fully support the County Ecologist's proposal for a Construction Environment Management Plan and a Biodiversity Enhancement Plan. It is absolutely essential that these requirements are included in the Planning Conditions if it is decided to grant Planning Permission.

### ***Internal Consultees***

## **7.8 Somerset County Council Ecology**

AD Ecology undertook an Ecological Appraisal at the site in May 2020. The results of the survey confirmed:

**Designations:** There is no European, national or local nature conservation designation covering the study area. There is no European designated nature conservation site located within 10km of the study area. There is no national designated nature conservation site located within 4km of the study area.

**Arable Field:** The proposed quarry extension encompasses a small part of a large arable field with improved (nutrient enriched) grass field margins supporting a few common plants

**Boundary vegetation:** The southern edge of the existing quarry, a section of which needs to be removed to facilitate the extension, consists of an earth bund supporting common ruderal herbs. Outside extraction area along the northern and eastern field boundaries a managed, 1-2m high hedge is present. To the immediate west of the existing quarry and north of the proposed quarry extension is a relatively young woodland plantation

**Bats:** There are no mature trees within the proposed excavation area. Roosting bats are not considered a constraint for the proposed development. The habitat directly affected by the proposed mineral extraction is of very low value for foraging bats, being intensively managed arable land, and habitat removal is temporary as the site will be reinstated back to agriculture.

I note the bat records comprised of Common Pipistrelles, Soprano Pipistrelles & Serotine recorded on the 17/04/21 by a local resident. These species are commonly found throughout Somerset, with Serotine, though less common across the UK is

widely distributed within Somerset. The proposal does not impact the woodland where records were taken.

Other mammals: There was no evidence of any other protected or notable mammal species found within or adjacent to the development site

Birds: The development site is unsuitable for ground nesting species, such as skylark, being a small corner of an intensively arable field that is enclosed on two sides. No boundary hedge or trees need to be removed. However, the hedgerow to section to be removed may support nesting birds.

Reptiles: There are no records of reptiles within 2km of the development site. The intensively managed arable land directly affected by the proposed mineral extraction is totally unsuitable for supporting reptiles as it provides no refugia/hibernacula and no foraging habitat

Amphibians: There are no records of great crested newt within 2km of the development site, there are no ponds within the mineral extraction area, and there are no ponds within 500m shown on the OS maps. The intensively managed arable land directly affected by the proposed mineral extraction is totally unsuitable for supporting amphibians in their terrestrial phase as it provides no refugia/hibernacula and no foraging habitat. Great crested newt is not considered to be present and is not a constraint for the development.

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 conditions requiring a CEMP and biodiversity net gain to any planning permission granted together with an informative note for badgers.

## **7.9 SCC Minerals and Waste Policy**

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

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

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

Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c.



Building Stone is discussed in Chapter 7 of the Somerset Minerals Plan and its use is described for existing building restoration, conservation and extensions, as well as for new building work. Additional information is provided in Topic Paper 3: Building Stone (December 2012), prepared as part of the evidence base for the Plan. The winning, working and processing of building stone makes an important contribution to the mineral sector in Somerset and the Somerset Minerals Plan provides a positive policy framework to support investment in appropriate sites, facilities and skills. It sets out the importance of an adequate supply of building stone so that the local character of Somerset is maintained. The Plan highlights that the use of reconstituted or imported stone can produce different aesthetics or physical characteristics to local stone.

#### Need for Oolitic Limestone

The supporting documentation outlines the need for Oolitic limestone, stating that the particular stone is not currently commercially worked. In addition, whilst similar stone is found at Hadspen Quarry, it does have a different colour finish. Moreover, the stone found at Blackford matches examples of stone that has been used in the local area. Hence, the commercial working of the building stone found at Blackford Quarry would enable the matching of stone used in walling etc in local towns and villages. This is considered to be of particular importance when seeking to conserve and enhance the historic built environment of local towns and villages.

#### Economic Benefits:

The proposal will generate 1 full time job and help sustain the wider workforce of 8 employees. In addition, additional businesses, including local suppliers, will benefit both directly and indirectly from the activity of the new business and consolidation of the current workforce/business.

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

The applicant has outlined that the stone will be extracted using 1 excavator on site, with 1 to 2 loads per week transported via HGV to their Tout Quarry site for processing. From a quarrying perspective this is considered to be a small-scale activity. Provided that the applicant is able to satisfactorily demonstrate to other technical specialists that there shall be no unacceptable adverse impacts, and that the scheme includes measures as required to adequately mitigate any adverse impacts, it is considered that the proposed development would comply with Policy SMP5 of the SMP.

#### Restoration and Aftercare

In addition to the above, Policy DM7 of the SMP requires an applicant to demonstrate how they will provide satisfactory restoration and aftercare. The applicant has submitted plans showing the proposed restoration plan and sections, along with an explanation of what is proposed. Those details will need to be assessed

by relevant technical specialists to ensure that the requirements of Policy DM7 of the SMP are met.

#### Conclusion

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

#### **7.10 SCC Acoustics specialist (Summary)**

I do not consider noise impacts sufficient to substantiate planning objection. However, I consider simple site improvements are justifiable in order to minimise noise to the nearest northern residential location. I recommend the operator consider the proposal to revise the Phase 1 working scheme to provide improved containment of noise.

If the application is to be granted, I have recommended conditions to contain noise, limit the occasions of loading and prevent mechanised screening with a further requirement to mitigate plant noise and the noise from reverse warning alarms.

#### **7.11 SCC Flood risk management (Lead Local Flood Authority)**

No objection subject to a drainage scheme being provided and advisory notes to be attached to any permission granted setting out the LLFA's requirements for discharge of the condition.

#### **7.12 SCC transport development group**

I refer to the above-mentioned planning application received on 19 January 2021 and have

the following observations on the highway and transportation aspects of this proposal: -

It is noted within the submitted details that.

- No new access onto the highway is proposed
- Wheel wash facilities will be provided to ensure no loose or unbound material migrates onto the highway
- The scheme will generate no more than 1-2 vehicle loads per week (Planning Statement page 10, paragraph 5.18)

- The lorries will use an existing route to the applicant's other site
- In this regard the level of intensification will not have a severe impact on the safety or
- efficiency of the highway and as such this Authority raises no objections

### **7.13 PROW**

No comment received

### **7.14 Service Manager – Structures**

There appears to be some movement of the wall (of the causeway bridge to the north of the site) which we will be monitoring but we will be commissioning some geotechnical/ground investigations on and behind the wall itself to give a better feel for what is going on. Once the outcome of the ground investigations is received, we will be in a better position to determine what remedial works are necessary to safeguard the integrity of the wall. In the best-case scenario, we may be able to grout behind the wall and repoint/point the wall, but worst-case scenario could be a full reconstruction of sections of the wall. There doesn't appear to be any signs of distress on the carriageway in this area which is good as poor ground conditions could result in cracking of the upper soil/carriageway layers.

In view of the uncertainty we have at present I would think it best not to permit additional/increased loadings on this section of the route.

### **Public Consultation**

- 7.15** The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification to local residents by letter. In response, some 50 letters of objection and one of support have been received from local residents. Objections have also been raised by CPRE and Blackford Residents Action Group. Full copies of the representations are available in the individual application record on the County Council's website, but the main issues raised are:

#### **Support**

- The site is within an area identified in the development plan as an area of search for building stone quarries
- Stone at the site has unique colour and characteristics
- The proposal would support the local vernacular and conservation objectives
- Building stone is more sustainable than brick or other building materials
- The site would be restored and there would be minimal impact on the environment

## Objection

- The description of development is misleading – the site is not an active quarry. The baseline for considering the impacts should be agricultural use.
- No pre-application engagement took place with the local community
- The timing of the application, which was submitted just before Christmas was poor. There were gaps in consultation. The decision would be better taken by a unitary authority. There are deficiencies in the planning statement that need to be addressed.
- Development of the site may cause flooding – the quarry acts as an attenuation area for water, which otherwise accumulates in Blackford Village
- Roads leading to the site are narrow winding and lack pavements or passing places for lorries. The additional use by HGVs would increase the risk of accidents and would cause danger to pedestrians, horse riders and cyclists.
- An embankment north of Quarry Cottage is subject to instability issues and additional heavy traffic would make it worse. Blackford Hollow is also susceptible to landslips.
- Additional lorry traffic would erode the narrow lanes
- The route to the A3030 is unsuitable for heavy vehicles
- There is no speed restriction on local roads
- Mud and debris could be tracked onto the highway from the site
- Harm to local businesses based on tourism and rural tranquillity
- The quality of the stone is poor. Half will not be suitable for sale.
- Working will take place above the height of the bunds.
- The proposal would lead to unacceptable levels of noise
- Blackford village is a conservation area with several listed buildings. Vibration from passing lorries could damage the listed church and other buildings.
- Visual intrusion
- Harm to landscape
- Harm to ecology and nature conservation interests. Disturbance to bats. Harm to badgers.
- Harm to archaeological interests
- Effect on footpath WN9/1 crossing near the extension area.
- Appeal decision APP/Q1153/W/20/3256087 where permission was refused for a single dwelling adjacent to an inactive quarry supports refusal of this application.

The dwellings on Quarry Hill have sterilised the quarry from operations in the extension.

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

**8.1** The key issues for Members to consider are: -

- Planning policy context
- Highways and transportation impact
- Environmental impact, including noise and dust
- Impact on amenity and living conditions of neighbours
- Visual and landscape impact
- Any impact on heritage assets in the local area
- Any impact on ecology and biodiversity
- Groundwater and surface water drainage
- Flood risk
- Economic impact

### **8.2 Planning policy context**

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the following documents. Policies of relevance to this proposal are listed in Section 10 of this report:

- Somerset Minerals Plan (adopted 2015)
- South Somerset Local Plan (adopted 2015)
  
- Other material considerations to be given due weight in the determination of the
- application include:
- The National Planning Policy Framework, February 2019
- Planning Practice Guidance
- National Planning Policy Framework (February 2019)

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

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

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

### South Somerset Local Plan

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

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

### Framework.

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

Creation of quality places;

Conserving and enhancing the landscape character of the area;

Reinforcing local distinctiveness and respect local context;

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

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

Policy EQ7 states that Development that, on its own or cumulatively, would result in air, light, noise, water quality or other environmental pollution or harm to

amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals. This may be achieved by the imposition of planning conditions or through a planning obligation. New development should also not exacerbate air quality problems.

Policy TA5 relates to the transport impacts of new development.

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

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

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

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

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

Building Stone is used for existing building restoration, conservation and extensions, as well as for new building work. Additional information is provided in Topic Paper 3: Building Stone (December 2012), prepared as part of the evidence base for the Plan. The winning, working and processing of building stone makes an important contribution to the mineral sector in

Somerset and the Somerset Minerals Plan provides a positive policy framework to support investment in appropriate sites, facilities and skills. It sets out the importance of an adequate supply of building stone so that the local character of Somerset is maintained. The Plan highlights that the use of reconstituted or imported stone can produce different aesthetics or physical characteristics to local stone.

The application proposes small-scale stone extraction involving a single excavator and four lorry movements a week. The output is expected to be around 1,500 tonnes a year. The proposed scale of the development is considered to be in keeping with the rural area surrounding the site.

The proposal would bring small-scale economic benefits to the local area through employment and through the supply chain.

In principle, therefore, the proposal is supported by the development plan and the NPPF subject to consideration of the impact on the character of the local area and the adequacy of the measures proposed to combat environmental and amenity impacts.

### **8.3 Highways and Transportation Impact**

Policy DM9 of the Somerset Minerals Plan requires that applications demonstrate that the road network is suitable, or can be upgraded to a suitable standard, to sustain the proposed volume of traffic without causing unacceptable adverse impacts. Particular regard should be given to highway safety, road alignment, proximity to buildings, air quality, the impact on capacity and of construction and disruption to local communities

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

Access is proposed from an existing agricultural access onto Quarry Hill. A short track leads to the existing quarry and access to the extension area would be through the existing site. Stone would be transported northwards towards the A303 and the processing site at Tout Quarry. Two loads of stone a week are proposed with additional occasional trips to transport plant, which would amount to one trip every three to four weeks.

The Transport Development Group has not raised objection to the proposal taking into account that no new access is proposed, wheel wash facilities will be provided, the operations will generate very low levels of traffic and lorries will use the existing highway network to reach the processing site. The level of intensification will not, therefore, have a severe impact on the safety or efficiency of the highway.

Residents have raised various issues in relation to the access and highway impacts as set out above. However, it is considered that any adverse impacts that may arise are capable of mitigation to acceptable levels through the imposition of suitable conditions.

Monitoring of the stability of a causeway structure to the north of the site is taking place and further works may be required to reinforce the structure but, given the low vehicle numbers associated with the proposed development and the fact that the causeway is part of the public highway network, it is not considered that there is sufficient reason to withhold permission on that basis.

Improvements to widen the access would be beneficial to avoid vehicles causing damage to the roadside verge by overrunning. A tracking exercise has demonstrated that a vehicle may encroach onto the verge in three locations near the access point. These locations are outside the application site, but improvements could be achieved under a section 171 licence with the county



council. The transport development group has confirmed that the results of the tracking exercise do not warrant an objection to the application.

Subject to those conditions, the proposed development is considered to be in accordance with policies in the SSLP, SMP: DM9, and NPPF paragraph 108(b).

#### **8.4 Impact on amenity and living conditions of neighbouring land and uses**

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

##### **Noise**

Working hours are requested to be 08.00 to 17.00 Monday to Friday and 09.00 to 13.00 on Saturdays. No working would take place on Sundays or Bank Holidays.

The nearest property is situated on lower ground than the quarry and beyond bunds of around 2m in height.

The environmental surroundings to this proposal could be classified as quiet and rural with non-distinct traffic noise most prominent under northerly winds. Other distinctive noise would be expected to arise with agricultural activity and the associated farm vehicle movements on local roads.

Previous activity at the site has led to complaints about noise but these are not representative of what the current application proposes, particularly in regard to impulsive noise, which could be reduced by the design of the quarry, method of plant operation and method of loading stone onto vehicles.

Noise from the proposed operations would include noise from site preparation, construction of bunds and use of the excavator and a lorry. Noise from mineral extraction would be sporadic given the method of working and would reduce when working at lower levels within the quarry.

Planning guidance in respect of noise states that operating noise should not exceed a level 10 decibels greater than background or a level of 55 decibels. Based on background noise at the site which is measured within the range 35 – 37 dB(A), operating noise should not therefore exceed 46 decibels at the nearest house and the assessment of the noise report indicates that this can be achieved. At the closest properties, noise from operations could be perceptible and may cause minor changes in behaviour or attitude. However, the intermittent and small-scale of the operations should be recognised and the noise assessment has

demonstrated that the site could operate within acceptable levels as set out in planning guidance.

### **Dust**

Quarry working has the potential to cause dust from the working of the stone, loading it onto vehicles and the traffic movements associated with export of stone. Temporary bunds are proposed on the perimeter of the site, which, together with the existing hedgerow on the eastern boundary would minimise the potential for dust to migrate outside the site. A dust suppression scheme setting out measures to be taken to minimise dust, could also assist in ensuring that dust did not travel beyond the immediate site.

### **Vibration**

Stone will be removed by mechanical means only. No blasting is proposed. A condition to prevent blasting without further consideration is considered to be justified given the proximity of houses on Quarry Hill.

### **Odour**

The quarrying process is not likely to cause odour. Only inert material would be used in restoration. No organic or putrescible material would be brought to the site.

### **Lighting**

No permanent artificial lighting is proposed. Mineral extraction and transport would only take place during daylight hours.

Taking into account the scale of the operation, the impact on the living conditions of neighbours and on the amenity of the local area would be small and capable of being controlled by suitably worded conditions. The proposal would not conflict with policy SMP DM8, SSLP EQ7 or paragraph 205c of the NPPF.

## **8.5 Visual and landscape impact**

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

The site is located in countryside to the south of the village of Blackford. The extension area is a large arable field with mature hedgerow on the eastern boundary with Quarry Hill and a block of woodland to the north. The extension is located on a north-east facing slope rising from 120 metres AOD in the north-east corner to 140m AOD in the south western corner. The site is not designated for its landscape value but nevertheless forms part of a pleasant rural landscape.

Overall, in the surrounding area fields are well defined by hedgerows and woodland blocks break up the landscape. Quarrying is a traditional rural industry in

the area and this is reflected in the landscape by several small disused quarries as well as some active ones.

Settlement in the area takes the form of small settlements, including Blackford, Maperton and Charlton Horethorne together with scattered isolated dwelling and groups of houses.

The main transport route in the area the A303 to the north of the site has limited influence on the application site. A series of minor roads run through the area and footpath WN9/1 crosses the field in which the site is located some 700 metres to the west.

The site falls within Visual Character Region 6: Escarpment Ridges and Vales East of Yeovil in the Landscape Assessment of the Scenery of South Somerset (1993) and within landscape character zone 1: Downland, Coombes and Holloways. The area is characterised by a series of crescent shaped ridges and vales in a north-east to south west alignment, based on a geological formation stretching from the Dorset border to Castle Cary. The most important elements in this landscape are woodland, remnant unimproved grassland and historic landscapes. The National Character Area is 140: Yeovil Scarplands.

Local stone plays an important part in the local vernacular and building materials reflect the varied geology of the area which contains a variety of limestones and sandstones from which distinctive local character is derived.

The proposed extension area would be seen from a number of locations including Quarry Hill and other minor roads, footpaths and restricted byways in the area. Mineral working represents a temporary use and restoration to agricultural land would take place after 14 years. In the longer term

The site forms part of a modern, working agricultural landscape. Quarrying would change the character of the immediate surroundings, but the site is well contained to the north and east by existing boundary treatments which the applicant proposes to retain and strengthen. Temporary bunds offset from the hedgerow would add visual protection and would be seeded for the duration of operations.

On balance, the proposed development would not cause significant detriment to any of the key characteristics of the landscape. Adverse impacts during the operational period would be temporary and short to medium term and would be offset by the enhancement of existing hedgerow.

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

## **8.6 Any impact on heritage assets in the local area**

SMP policy DM3 sets out that mineral development should not generate unacceptable effects on the historic environment that cannot be adequately

mitigated and a desk-based assessment and field evaluation should be carried out where proposals affect the integrity or setting of a heritage asset.

The application is accompanied by an archaeological evaluation and geophysical survey which identified features reminiscent of Celtic fields. South West Heritage was consulted and raised no objection stating that there were limited archaeological implications.

There are several listed buildings in the area, although these are located more than 750 metres from the site and there is limited visibility between the heritage assets and the application site. This, as well as the small scale of the proposed works, means that the proposal would not harm designated heritage assets or their setting.

The quarry would provide a supply of local stone for use in restoring and conserving historic buildings in the local area. The stone at the site has a unique colour and finish that would add to the range of stone available for matching, supporting and enhancing local character.

Roads in the area are already used by large agricultural vehicles and it is not considered that the small number of additional trips proposed in connection with the quarry would cause undue harm in terms of amenity to the Blackford conservation area on a scale sufficient to warrant refusal.

The application does not conflict with policy DM3 and the requirements of paragraph 190 of the NPPF have been fulfilled.

## **8.7 Impact on ecology and biodiversity**

MLP policy DM2 states that permission will be granted for mineral development where the proposal will not generate adverse impacts on biodiversity and geodiversity and appropriate measures are proposed to mitigate the effects arising from the development to acceptable levels. As a last resort, compensation should be provided and the proposals should result in a net gain for biodiversity.

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

An ecological survey has been provided, which has been independently assessed and found to be sound. The site is in managed agricultural use and has low ecological value. The site is not close to any local, national or European designated sites and the intensively managed farmland directly affected by the proposals is of low value for foraging bats. Although bats may be present in woodland to the north of the extension area, the species recorded are common in Somerset and the proposed development does not affect the majority of the woodland. The survey found no evidence of protected or notable species within or near the site and the site does not provide suitable conditions for ground-nesting birds, reptiles or amphibians.

No working is proposed below the water table and the proposed development with its low levels of associated phosphate production would not add significantly to the nutrient loading of the Somerset Levels and Moors Ramsar site.

The application has demonstrated that the proposal is not likely to have a significant

adverse impact on ecology and complies with policy DM2 in the SMP, EQ4 in the SSLP and paragraphs 170 d and 205 b in the NPPF.

## **8.8 Groundwater and surface water drainage**

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

No impermeable surfaces are proposed nor any new infrastructure. Oil and diesel would be stored in bunded containers to prevent pollution of groundwater. Only clean inert fill material indigenous to the site would be used to restore the site.

The Environment Agency has been consulted and has raised no objection subject to conditions to ensure no working takes place below the maximum winter water table and to ensure precautions are taken to minimise the risk of pollution.

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

## **8.9 Flood risk**

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

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

The site is located on a hill and is not close to any existing water features. No working is proposed below the water table and the site has a low probability of flooding, having regard to the Environment Agency flood risk maps. The quarrying activities proposed in the application are not classed as vulnerable development for the purposes of assessing risk.

Local residents have raised concern about the proposed changes to the site causing flooding in Blackford village, due to the loss of the existing quarry as an attenuation area. However, a flood risk assessment has been prepared and independently assessed, which indicates that the proposed development would not materially alter the land drainage characteristics of the surrounding area.

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

### **8.10 The local economy**

The applicant is a local, family run business which supports eight jobs. The proposal would create a need for an additional full-time job and would help to sustain employment for the wider workforce. There would also be benefits to other local businesses through the supply chain.

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 proposal would benefit the local economy, albeit in a small way, and ensure that suitable stone was made available for the repair and conservation of local buildings. The NPPF states at paragraph 205 that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the local economy. The proposal is in line with that guidance and also with policy SMP5.

### **8.11 Conclusion**

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

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

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

No objection has been raised by statutory consultees.

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

## 9. Recommendation

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

### Conditions

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

**Reason:** To comply with section 91 of the Town and Country Planning Act 1990 and to enable the mineral planning authority to monitor the development

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

- Application form 22 December 2020, certificates and fee
- Covering letter 22 December 2020
- Supporting statement and appendices A, B, C, D, E, F, G dated 22 December 2020
- Drawing number 803A/001 Location Plan
- Drawing number 803A/002 Site Plan
- Drawing number 803A/003 Topographical Survey
- Drawing number 803A/004 Phase 1 Working Plan
- Drawing number 803A/005 Phase 2 Working Plan
- Drawing number 803A/006 Restoration Plan
- Drawing number 803A/007 Sections Phase 1
- Drawing number 803A/008 Sections Phase 2
- Drawing number 803A/009 Restoration Sections
- Email re vehicle trips dated 11/03/2021

**Reason:** To define the permission.

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

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

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

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

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

\*0800 hours and \*1700 hours Mondays to Fridays; and

\*0900 hours and \*1300 hours Saturdays.

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

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

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

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

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

\*0800 hours and \*1700 hours Mondays to Fridays; and

\*0900 hours and \*1300 hours Saturdays.

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

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



8. The total output of materials from the site shall not exceed 1,500 tonnes in any calendar year. The operator shall retain such records as necessary to demonstrate the amount of material that has been removed and shall provide them on request to the mineral planning authority.

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

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

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

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the mineral 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 mineral planning authority). The remediation strategy shall be implemented as approved.

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

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

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.

7. Any facilities for the storage of oils, fuels or chemicals associated with this development

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

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

**12.** No winning and working of minerals shall take place below the water table.

**Reason:** Working below the water table would require more detailed consideration of impact on groundwater.

**13.** Details of the materials and design of any floodlighting (which shall be designed to minimise the potential nuisance from light spillage on to adjoining properties and/or surrounding highways) together with any incidental works, shall be submitted in writing for the approval of the Mineral Planning Authority, before any works are commenced.

**Reason:** To minimise disturbance to bats and to protect the amenity of the local area in accordance with Policies EQ4 and EQ7 of the South Somerset District Local Plan 2006-2028.

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

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

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

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

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

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones", including hedgerow and tree buffer zones marked by suitable fencing or barriers,
- c) The location and timing of sensitive works to avoid harm to biodiversity features,
- d) The times during construction when specialist ecologists need to be present on site to oversee works,
- e) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority,
- f) The role and responsibilities on site of an ecological clerk of works or similarly competent person,
- g) Use of protective fences, exclusion barriers and warning signs,
- h) ongoing monitoring, including compliance checks by a competent person during construction and immediately post completion of construction works

The approved EMP shall be adhered to and implemented throughout the duration of the development strictly in accordance with the approved details

**Reason:** In the interests of European and UK priority species and habitats listed on section 41 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 and DM7 of the Somerset Waste Core Strategy 2013

- 17.** A biodiversity enhancement plan (BEP) shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of site preparation works. Photographs of installed features shall be submitted to the Local Planning Authority before mineral extraction commences. The content of the BEP shall include the following:

- a) Two bat boxes (Schwegler 1FF) shall be installed onto mature trees at the boundaries of the site to enhance roosting opportunities.
- b) One no. Schwegler 1B and one no. Schwegler 2H bird boxes shall be installed onto retained trees at the boundary
- c) Installation of two Schwegler no 10 swallow nesting cups or similar shall be erected on to a main beam of the open-sided building near the entrance to the site at a height above three metres.
- d) The hedgerows on the site will be cut on a three-year rotation allowing sections to mature to a height of at least three metres following the principles set out in "How to Manage a Hedgerow for Wildlife - The Wildlife Trusts".

**Reason:** In accordance with Government policy for the enhancement of biodiversity within development sites as set out in paragraph 170(d) of the National Planning Policy Framework and the Environment Bill 2020.

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

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

- 19.** Notwithstanding the provisions of part 6, class C and part 17 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking, re-enacting or modifying that order, which relate to development ancillary to mining operations, there shall be no development or activity at this site additional to that specified in this planning permission.

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

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

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

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

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

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

- No mechanical breaking of stone
- No mechanised screening of stone
- Plant and machinery shall be operated and maintained to minimise noise and fitted with silencers in accordance with the manufacturer's specification
- No tonal reverse warning devices shall be used

Once approved the scheme shall be implemented in full throughout the duration of operations

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

**22.** Noise levels during arising from site operations shall not exceed an Laeq(1-hour) level of 46dB(A) free field at the boundary of any residential dwelling present at the time of this planning permission.

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

**23.** No topsoil or sub soil shall be removed from the site. All soils stripped from the excavation area shall be stored separately to prevent mixing and shall be protected from contamination until required. Topsoil, subsoil and overburden stores shall not exceed three metres in height and shall be graded, seeded with grass and subject to weed control.

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

**24.** Within three months of the completion of winning and working of minerals an aftercare scheme detailing such measures as may be required to bring the land to a condition suitable for agricultural after-use shall be submitted for the approval of the mineral planning authority. The scheme shall include - details of cultivation, seeding and management of grassland in accordance with the rules of good husbandry - fertiliser and lime application based on soil analysis - grazing management- field water supplies- ditch, water course and piped drainage systems to manage surface water run-off and prevent soil erosion provision for an annual review to consider the operations that have taken place in the preceding 12 months and the programme of management for the next 12 months. The parties to the

review shall be the mineral planning authority, the site owner and site operator together with any other organisation or body that may be required to advise on the aftercare.

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

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

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

## **INFORMATIVES**

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.

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

The applicant's attention is drawn to the attached comments of the Environment Agency and Lead Local Flood Authority, which are included for information / action.

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

- 1.** The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 2.** In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in: -
  - National Planning Policy Framework (NPPF)
  - Somerset Minerals Plan (SMP)

- South Somerset District Local Plan (SSDLP)
  - The policies in the development plan particularly relevant to the proposed development are: -
  - NPPF (Para 108 b in particular)
  - SMP – Policy DM9
  - SSDLP – Policies SD1, EQ2, EQ3, EQ4 and TA5
3. The County Planning Authority has also had regard to all other material considerations.
  4. Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.