

# The Regulation Committee

Minutes of a virtual meeting of the Regulation Committee held on Thursday 24 June 2021 at 10.30am in the Luttrell/Wyndham Room, County Hall, Taunton.

## **Present:**

Cllr J Parham (Chair)  
Cllr M Caswell  
Cllr J Clarke  
Cllr N Hewitt-Cooper  
Cllr M Keating  
Cllr T Lock (substitute for Cllr Kendall)  
Cllr M Pullin (substitute for Cllr Taylor)  
Cllr D Ruddle (substitute for Cllr Coles)

## **Other Members Present:**

Cllr B Revans  
Cllr W Wallace

## **Officers Present:**

Mrs J Allen, Solicitor  
Ms R Amundson, Planning Officer  
Mr A Hill, Planning Officer  
Mrs H Vittery, Service Manager - Planning and Development

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agenda and papers and highlighted the rules relating to public question time.

### **1 Apologies for Absence** - agenda item 1

Cllrs S Coles, A Kendall and N Taylor.

### **2 Declarations of Interest** - agenda item 2

Reference was made to the following personal interests of the members of the Regulation Committee published in the register of members' interests which was available for public inspection via the Committee Administrator:

Cllr M Caswell  
Cllr J Clarke  
Cllr N Hewitt-Cooper

Member of Sedgemoor District Council  
Member of Mendip District Council  
Member of Mendip District Council

3 **Minutes** - Agenda Item 3

The Minutes of the meeting held on 6 May 2021 were signed as a correct record.

4 **Arrangements for the Meeting**

The Chair welcome everyone to the meeting and in his introduction pointed out that:

- Due to a change in legislation the County Council was no longer able to hold virtual meetings
- Today's meeting would be run using a hybrid format with Committee members and key officers physically present in County Hall
- Other elected members and officers could physically or remotely join the meeting to speak on specific agenda items or observe
- There was also provision for any members of the public registered to speak to attend the meeting (NB. Public speakers were present in County Hall but reduced room capacity due to social distancing regulations limited their ability to speak to the members to audio/visual means)
- The meeting was being broadcast and therefore other members of the public could observe the meeting remotely.

5 **Public Question Time** - Agenda Item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

6 **Application No. SCC/3777/2020 - Extension of Blackford Hill Quarry, Quarry Hill, Blackford BA22 7EA**- Agenda Item 5

(1) The Committee considered a report by the Service Manager - Planning and Development on this application which involved the extraction of building stone

from a site to the south of the A303 near Blackford village that was currently in agricultural use.

(2) The Case Officer outlined the applications by reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: 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; economic impact.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the application; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that objections had been received to the application from Compton Paucefoot and Blackford Parish Meeting and Charlton Horethorne Parish Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations.

(6) As regards responses to the public consultation, a total of 50 letters of objection and one letter of support had been received from local residents. Objections had also been raised by the Council for the Preservation of Rural England and Blackford Residents Action Group.

(7) In her conclusion, the Case Officer commented that the proposal was in accord with the development plan and was recommended for approval. The application proposed small-scale building stone extraction, which would support the local economy and contribute to making building materials available to maintain the character and appearance of local buildings and villages. The effects of the proposed development on the environment and on local amenity had been assessed and found to be within acceptable limits subject to appropriate planning conditions.

(8) The recommendation proposed the granting of planning permission subject to conditions covering: commencement; strict accordance with plans/documents;

temporary permission; restoration and aftercare; working days/hours; output; surface water drainage; no excavation below water table; pollution/contamination control; floodlighting; landscaping; environmental and biodiversity management plans; archaeology; permitted development rights; highways; phasing; dewatering; dust; noise/blasting.

(9) The Committee heard from the following members of the public who raised the matters summarised below, to which the Case Officer responded:

*(i) Andy Anderson on behalf of Blackford Quarry Action Group (read by David Hopkins in his absence)*: The applicant's description of the development as 'an extension of Blackford Quarry' was misleading, resulting in a continuity of error affecting the views of consultees and their independent assessment; the application lacked clear evidence of the need for stone and clarity of stone type; the applicant had failed to identify the 12 Local Wildlife Sites within two kilometres of the application site; reports of populations of badgers and deer, as well as bat roosts protected by law, had been left unsurveyed and unassessed; South West Wildlife's concern at the possible impact on the local environmental network; rural tranquility (on which the viability of the neighbouring Ashclose Farm guest house depended) being an economic asset; the conclusion from the planning appeal decision in Devon referred to in the Service Manager - Planning and Development's report that the Blackford Quarry application should be refused.

*(ii) Ian Tibbitt*: The 7.5 tonne weight limit policy covering roads in the Blackford area which protected weak highway structures and effectively limited vehicle widths; the unsuitability of local roads for the regular passage of 6 wheel stone haulage vehicles over 20 tonnes gross weight; the increased danger from the introduction of such large and heavy vehicles; the quarry route reflecting one of the worst possible aggregations of hazards associated with heavy vehicles in a rural setting; the complex junction system at the junction of Blackford Hollow with the A303; the impact on the Grade 2 listed Belstone Cottage at the bottom of Quarry Hill; the unsatisfactory access to the quarry at the top of Quarry Hill; no route analysis or transport study.

*(iii) Roger Martin*: The intolerable and distressing nature of current quarrying activities in terms of the impact on the amenity of his property, Quarry Hill Cottage, of noise, dust and vibrations from quarry lorry movements; the proximity of the house and garden to the quarrying site, with the starting point for the excavations being an unacceptable 105 metres and never more than 200 metres away during the life of the quarry; the impact on Ashclose Farm, its bed and breakfast business and plans for diversification/expansion, further employment, local tourism etc;

commitment to the extensive restoration of Quarry Hill Cottage in the absence of any indication of quarrying resuming.

*(iv) Fletcher Robinson, Council for the Protection of Rural England, Somerset:* The unsuitability of this small relic roadside quarry for large scale quarrying operations in terms of the impact of noise and HGV movements on the amenities of local communities and nearby residents; the lack of proven need for the type of oolite building stone available at this location for the purposes of the Somerset Minerals Plan - it being in good supply from 8 existing quarries in Somerset, and the colour of the stone not being unique as it varied at different depths; non-consented quarrying on the site having caused 'unbearable noise' for nearby residents; contradictions and uncertainties about the extent and duration of excavations; consideration of the application being premature pending completion of investigations regarding HGV use of the local road network; if the application was approved operations should be limited to two days a week with none at weekends; South West Wildlife's concern at the possible impact on the local environmental network; rural tranquility (on which the viability of the neighbouring Ashclose Farm depended) being an economic asset.

*(v) Jane Monk, Compton Pauncefoot and Blackford Parish Meeting:* the impact of current quarrying activities and increased heavy machinery generally on Blackford which was a quintessential English village in a conservation area; the strength of opposition to the planning application; the disparity between the applicant's and the County Council's acoustic reports; the hazardous nature of the quarry route; the independent highway report commissioned by the Blackford Quarry Action Group; the impact on local residents and their quality of life if the application was approved.

*(vi) Zak England, Ham and Doultong Stone Co. (the Applicant):* Ham and Doultong Stone Co. was a long-established company which operated 9 Somerset quarries including Ham Hill Quarry; key to this success was to be able to provide the right type of stone for historic and new buildings and this required the reopening of old quarries as well as new quarries; stone from Blackford was one of the principal walling stones found in the Wincanton, Gillingham and Sherborne areas and stone from elsewhere did not match its light brown/beige colour; it was clear that there was a market for this stone which would create a new job for the benefit of the local economy; the company would not have invested in reopening an old quarry if they were not confident that the stone was needed; the company prided itself in working with local communities, had an excellent track record of compliance with planning conditions etc and the applicant reassured local residents that the quarry would be operated to the highest possible standards.

*(vii) Nick Dunn, Planning Agent, Land and Minerals Management:* Some of the concerns raised conflicted with independent specialist assessments and none were supported by statutory consultees or advisers; there was a recognised need for the stone and the application met policy requirements; planning conditions would ensure that all impacts could be limited or controlled to acceptable levels; many objections stemmed from the local community's relationship with the landowner who was not the applicant and was extracting stone for use on their agricultural holding under permitted development rights; current quarrying activities were not representative of the quarry design and working methodology for the small-scale quarry proposed by the applicant; the permitted development rights would be removed if the planning application was approved; regularizing quarrying would benefit the local community and the Minerals Planning Authority.

*(viii) Rob Comer, Owner/Operator, Hadspen Quarry, Castle Cary:* Blackford Quarry was located in an area identified as a 'natural stone safeguarding area' clearly indicating its importance as a local natural stone resource; keeping the local aesthetic and character of each small village and town in Somerset was vitally important and could only be achieved by having a variety of stone available for use; Blackford stone was unique and its extraction would have many long-term benefits; natural stone production was one of the most sustainable practices for the manufacture of building products.

(10) The Committee also heard from Cllr W Wallace, County Councillor for the Blackmore Vale Electoral Division. Cllr Wallace supported site visits by individual members. He had visited the area around the site which he knew well, noting the large amount of mud on the roads where work was taking place and the significant noise impact on the property of one of the objectors. The original quarry at Blackford had been established when stone was transported by horse and cart. The narrow local roads were highly unsuitable for use by HGVs. Cllr Wallace was particularly concerned about the link road to the A303 at Blackford Hollow on which there would be four HGV movements per day and where it was difficult for two vehicles to pass. Cllr Wallace supported the objectors' concerns, felt strongly that this was the wrong location for a modern-day quarry and that the application should be refused.

(11) In responding to the issues raised by public speakers and the local County Councillor the Case Officer commented that:

- The description of the application as an 'extension' had not influenced the recommendation and the application had been considered on its merits

- The circumstances of the planning application the subject of the appeal in Devon differed significantly from those of the Blackford Hill Quarry application
- All the comments made by objectors and the independent report they had commissioned had been independently assessed and considered by SCC's Transport Development Group
- The Transport Development Group had commented that the following matters were considered salient: very limited use of an existing well-used access; an existing agricultural area where farming practices could generate more heavy vehicles than 2 - 4 a week through daily variants; no collision data including affecting pedestrians and cyclists; no maintenance issues in the lane due to 'oversail' rather than 'overrun' of the grass verges by lorries
- Taking all these factors into account and the very minor levels of traffic the Transport Development Group had no grounds on which an objection could be based as the impact could not be considered to be severe in highways terms
- There had been some discussion between Somerset's noise experts and the applicant about noise levels that could be expected from the quarry. Noise levels from existing operations were not representative of what the applicant was proposing as they were being carried out by different machinery and without the conditions proposed in the report
- Mineral extraction to date at the quarry was being carried out under permitted development rights and therefore was not unauthorised development
- a condition was proposed to restrict the number of vehicle movements which would in turn restrict the extent of the operation
- There were other local quarries where oolitic limestone was extracted but characteristics of the stone did vary between sites and it was important to have a range of stone to match particular buildings and maintain the unique character of the area.

(12) The Committee proceeded to debate covering matters including: balance between supporting local enterprise and protecting amenity; need; planning policy; the application being for a new quarry not an extension; days/hours of operation; level of output; impact on Quarry Hill Cottage; highway safety; impact on wildlife, rural landscape and quality of life; climate change/mitigating Co2 emissions; views of the local community; mitigation of risk.

(13) In response to issues raised by members, the Case Officer and the Service Manager - Planning and Development commented that:

- Need for building stone was not assessed in the same way as for aggregates, it was really down to the commercial operator as to what they could make use of; it was good to have a variety of stone available for conservation and heritage
- Climate change issues were more relevant to large-scale quarries
- The application included working on Saturdays and on two other days a week. Removing Saturday morning working would have to be justified. It would be unreasonable to define the weekdays on which work could be undertaken as this would deny the applicant commercial flexibility and it would be difficult to frame an appropriate condition that was capable of monitoring and enforcement. Any limitations on weekday working should perhaps be monthly-based. Condition 5 had been designed to enable the applicant to work two days a week within a set framework. The Committee was reminded that there was also a proposed annual cap of 1500 tonnes on output which would be monitored
- Highways assessments were based on the use of 16 tonne vehicles
- Restoration to approximate original ground levels using only the remaining surplus 50% of the stone excavated could be achieved without importing additional material due to the stone bulking up when backfilled
- In terms of the amenity of Quarry Hill Cottage, there would be bunds to the north of the cottage and a drop in levels to the quarry floor. The working face of the quarry would move away from the cottage followed by restoration as it was worked out
- The application had been subject to the normal consultation procedures and where additional information had been received it had been forwarded to consultees.

(14) Cllr Hewitt-Cooper, seconded by Cllr Ruddle, moved that planning permission be granted subject to the conditions set out in section 9 of the report and to conditions 5 and 7 being amended to preclude operations or uses authorised or required by the permission and vehicle use in connection with the development permitted on Saturdays.

Cllr Parham, seconded by Cllr Caswell, moved an amendment with the effect of modifying proposed condition 5 to allow maintenance only between 09.00 and 13.00 on Saturdays, which was lost.

Cllr Hewitt-Cooper's motion was carried and the Committee accordingly RESOLVED:



(a) That planning permission be GRANTED subject to the conditions set out in section 9 of the report and to conditions 5 and 7 being amended to preclude operations or uses authorised or required by the permission and vehicle use in connection with the development permitted on Saturdays

(b) 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

7 **Application No. SCC/3719/2020 – Proposed Reopening of Former Quarry, including Proposed Temporary Processing Building and Internal Access Track at Batts Lane Quarry, Long Sutton TA10 9NJ**

(1) The Committee considered a report by the Service Manager - Planning and Development on this application. The proposal involved the reopening of a former quarry on land that was currently in agricultural use at Batts Lane to the west of the village of Long Sutton to produce Blue Lias limestone through dry working at an average rate of 2 - 3000 tonnes a year over 10 - 15 years, together with ancillary facilities. A similar application had been refused by the Committee in December 2019 due to a lack of information relating to contamination of soil and groundwater and the current application had been submitted with additional supporting information to address that reason for refusal.

(2) The Case Officer outlined the application, with reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy; contamination and water resources; amenity, landscape and visual, highways and traffic, ecological, and the historic environment impacts; and restoration.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the application; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that an objection had been received to the application from Long Sutton Parish Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations.

(6) As regards responses to the public consultation, a total of 155 letters of objections (including the objection from Mrs K Penly of Sunnybank Farm, Upton circulated as a 'late paper') and one letter of support had been received from local residents.

(7) In his conclusion the Case Officer acknowledged that the application had generated a high level of local concern - particularly in relation to issues of contamination from the adjacent former landfill site, and impacts on amenity and health and highway safety. However, it was considered that the proposal was supported by the relevant Minerals Plan Policy - SMP5, the Environment Agency and other statutory and specialist consultees were satisfied that the proposal would not cause harm (subject to inclusion of appropriate conditions) and that refusal of permission could not be substantiated. It was therefore recommended that planning permission be granted, subject to conditions.

(8) The recommendations proposed the granting of planning permission subject to conditions covering: commencement; temporary permission; strict accordance with plans/documents (landscape/ecological, environmental and biodiversity management), Written Scheme of Investigation and archaeological work, groundwater monitoring, surface water drainage, pollution/contamination control - including location of historic landfill site and 'buffer zone'; highways; operations (including output, working hours, phasing, dewatering, dust, noise/blasting); restoration and aftercare.

(9) The Committee heard from the following, who raised the points summarised below, to which the Case Officer responded:

*(i) Lisa Newby, Long Sutton Parish Council:* Reiterating the Parish Council's strong objections to the application on the following grounds: policy; highways; pollution of groundwater; lack of mitigation of sound, dust and pollution; impact on the environment; and lack of need as set out in Paragraph 7.3 of the Service Manager - Planning and Development's report (with the Parish Council urging the impositions of conditions in the event of the application being approved).

*(ii) Geoff Pringle:* Errors in the Service Manager's report; the application failing to demonstrate that the proposal delivered clear economic and other benefits to local and wider communities as required by the Somerset Minerals Plan - only two full-time (but seasonally part-time) jobs would be created and the holiday let business directly east of the site which had received permission for expansion since the previous application and the local tourism industry would be jeopardised; the reference in the applicant's own hydrologist's report (compounded by statements

in the Service Manager's report) to 50% of available stone being below the water table and it being considered that dewatering would be required to successfully work the quarry, rendering its working uneconomic; the lack of any identified need for the stone as required by the Somerset Minerals Plan, and evidenced by recent extensions at 4 existing local quarries.

*(iii) Tim Stradling:* Properties within 250 metres of the application site would be the most affected by raised noise and impact levels and suffer most from heavy transport movement/manoeuvring noise; no proper Heritage Statement and Impact Assessment as required by National Planning Policy Framework 2019; the Planning Statement Heritage Impact failed to cover several local heritage assets affected by the application - the short, medium and longer term socio-economic benefits of opening the quarry had not been assessed and balanced against the impacts on heritage assets and their settings, and the quality of life of those living in the impacted area; how should the water table, which varied seasonably, be defined?; the Blue Lias stone to be quarried at the site which was enthused over for its quality and colour would be used primarily as a building stone resource rather than the vernacular; the application contained more protections for bats and badgers than for the larger number of people it affected.

*(iv) Neil Burrows:* The misleading description of the application which involved the opening of a new quarry rather than the reopening of a former quarry; lack of acoustics report by applicant; concerns of hydrogeochemist engaged by objectors regarding toxic Polycyclic Aromatic Hydrocarbons (PAHs), heavy metals and asbestos in a known landfill site close to the proposed quarry, their effect on groundwater and his view that risks should be further investigated.

*(v) Professor Rick Brassington, Consultant Hydrogeologist:* The hydrogeological information provided by the applicant was insufficient for the potential impact of the proposed quarry to be assessed; fracturing of Blue Lias limestone making it possible for particles of PAH disturbed from the landfill by quarrying to be carried in groundwater and reach the River Yeo or abstraction wells; long-term health exposure to PAHs; his view that the application should be refused with regular monitoring taking place if planning permission was given.

*(vii) Tim Barnes, Galion Ltd (Operator):* Galion was a local housing developer specialising in the construction of high quality, sustainable stone-built dwellings which was in negotiations regarding the minerals lease for Batts Lane Quarry; the company's support for the application on the basis of: the single reason for refusal relating to potential contaminants having been addressed, the need for a reliable source of high-quality Blue/Grey Lias stone, the importance of permitting small quarries such as that at Batts Lane and the company's ability to supply other

builders where they had excess stock; the company was fully committed to observing planning conditions.

*(vi) Helen Lazenby, Clive Miller Planning (Agent):* The applicant proposed the seasonal dry working of Blue Lias stone above the water table within one area of a field adjacent to the old quarry at Batts Lane to bolster the local supply of high-quality light grey Blue Lias; Clive Miller Planning had provided additional evidence where it was required and the material considerations of need, noise, highway safety, local amenity, landscape impact, surface water drainage and ecology had all been satisfied; detailed contaminated land studies and other supporting specialist evidence in response to the sole reason for refusal of the previous application had confirmed that there was no significant risk from the proposed quarrying activities to the water environment and on this basis the Environment Agency had raised no objections subject to the imposition of planning conditions; the conditions relating to contaminated land matters and all others on the consent would carry full weight in law and ensure that nothing could happen on site which would raise any of the risks and concerns outlined by the objectors.

(10) In responding to the issues raised by public speakers the Case Officer commented that:

- a 'buffer zone' of between 250 and 500 meters between the quarry and residential properties would be considered excessive for a building stone quarry; typically a hard rock quarry with blasting would have a separation distance of 500 metres but not a small-scale building stone quarry where no blasting was encountered; guidance regarding the separation between stone quarries and dwellings was as low as 100 metres whereas the nearest dwelling to the Batts Lane quarry site was over 200 metres away
- the 2 km distance between Long Sutton and the application site was measured from the core of the village but parts of the village outside the core were closer than 2 km to the quarry including the dwellings mentioned above
- the application included a geophysical survey to detect archaeological remains within the site and a condition was proposed requiring a programme of archaeological work
- an assessment of listed buildings and the impact on their settings had concluded that there would be no direct impact on the nearest of these buildings which was approximately 300m from the application site
- contamination - the application was accompanied by a geo-environmental assessment; there had been considerable discussion of this report; the

objectors had commissioned Professor Brassington and Dr Kidder to review the report; and it had been considered by the Environment Agency which had submitted three rounds of comment on the proposals. The Environment Agency had found some contamination present in terms of hydrocarbons but their level of concentration was low; they were not considered to be mobile within the groundwater and the former landfill did not pose a significant risk to the surrounding water environment. However, as a precaution a condition was being recommended at the request of the Environment Agency to prevent any disturbance of the historic landfill site through the establishment of a 'buffer zone' where no extraction would take place to ensure separation between extraction and the former landfill site and reduce risk of contaminants entering the groundwater system.

(11) The Committee also heard from Cllr Dean Ruddle, County Councillor for the Somerton Electoral Division (serving on the Committee as a substitute) who referred to: his professional background in the operation of landfill sites; contamination that would occur following disturbance of the landfill site; the difficulty of preventing and controlling contamination and the 'buffer zone' being ineffective due to natural stone being involved; high groundwater levels; the potential hazards highlighted by the number of proposed conditions; the proposal being contrary to planning policy; the stone not being in any way special or in short supply; there being no economic or employment benefits from the proposal; his view that the application should be refused.

(12) The Committee proceeded to debate, covering matters including: need; landfill proximity concerns; contamination/pollution; balance between economic value and tourism; impact on health; mitigating Co2 emissions; views of the local community; expert advice; mitigation of risk; hours of operation and level of output. In response to issues raised by members, the Case Officer commented that:

- investigations made regarding the contents of the former landfill site had revealed inert materials (subsoils; clay, bricks, concrete etc) only
- working would be dry and above the water table to minimise the risk of disturbing the historic landfill site and, as already mentioned, a 'buffer zone' would be established around the former landfill site
- as regards impact on the local tourist industry, the three proposed holiday lodges close to site access would be sited 200 metres from the extractions and the acoustic-clad building where the stone would be processed, and vehicles associated with the quarry passing the lodges would be limited to one or two a day

- South Somerset District Council's Environmental Health Officer had raised no objections on grounds of contamination and dust on the basis of the implementation of proposals in the application which would be the subject of conditions
- while there were three other Lias quarries locally, there was a need for the paler grey variety of stone found on the application site
- while typically 2000 - 3000 tonnes of stone was expected to be extracted each year, a condition was proposed allowing an output of 5000 tonnes over any consecutive three year period to give the applicant flexibility to meet increased demand
- there had been a thorough review of the application by the Environment Agency as pollution control authority and the EA had raised no objections subject to conditions they had recommended as set out in section 9 of the report.

(13) The Service Manager - Planning and Development cautioned that, given the additional information supplied by the applicant relating to contamination of soil and groundwater and that as no objections had been received to the application from the Environment Agency subject to conditions, the Committee should be mindful of a potential appeal and a claim for costs if the application was refused.

(14) Cllr Ruddle, seconded by Cllr Keating, moved and the Committee RESOLVED that planning permission be REFUSED on the same grounds as the previous application (18/02799/CPO) refused in December 2019 - i.e. 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 whether the measures proposed to mitigate the potential risks arising from this specific development in relation to these contaminants were sufficient. The Proposal is therefore contrary to policy SMP5 (d) and the NPPF.

**8 Application No. SCC/3671/2020 – Installation of an Energy Recovery Facility together with Substation, Site Access, Internal Access and Yard Area, Security Measures, Access Gates and Other Ancillary Infrastructure and Landscaping on Land at Showground Road, Bridgwater TA6 6AJ**

(1) The Committee considered a report by the Service Manager - Planning and Development on this application which involved the installation of an Energy Recovery Facility together with ancillary infrastructure and landscaping on the Showground Business Park on the south eastern edge of Bridgwater adjacent to

the M5. Construction of the facility had already commenced under a previous planning permission and the application sought to regularise the planning position of the site into a single new consent. The application involved several changes to design, location of ancillary equipment and parking layout and the removal of the Materials Recovery Facility but with the overall throughput remaining at the established level of 130,000 tonnes per annum

(2) The Case Officer outlined the application, with reference to the report, supporting papers and the use of maps, plans and photographs.

(3) The main issues for consideration were: planning policy; noise, highways and traffic, landscape and visual, ecological, air quality and flood risk and drainage impacts; and climate change and sustainability.

(4) The Case Officer's presentation covered: descriptions of the site and proposal; background and planning history; plans and documents submitted with the applications; outcome of Environmental Impact Assessment (EIA); consultation responses from external and internal consultees and the public; the Case Officer's comments on planning policy considerations and the key issues set out in (3) above and matters raised in objections; and the Case Officer's conclusions.

(5) The Case Officer reported that objections had been received to the application from North Petherton Town Council. No objections had been received from other consultees, subject to conditions and other qualifications/observations. No representations had been received following the public consultation.

(6) In his conclusion the Case Officer commented that the principle of an ERF had already been established through previous approvals, and construction was well advanced. The minor changes proposed through this application would have a negligible effect - there were no material effects that would warrant withholding of permission. From the climate change and sustainability perspective, the application was an improvement over the previously approved scheme as due to the removal of the MRF there would be fewer vehicle movements and higher output of low carbon energy. The application was therefore recommended for approval.

(7) The recommendations proposed: the granting of planning permission subject to the completion of a legal agreement to secure implementation of a travel plan and associated fee and conditions covering: pre-operational matters (flood warning and evacuation plan; noise), and construction and operational conditions

(visibility; parking and turning/loading and unloading; construction activities; maximum tonnage of waste delivered and processed; delivery vehicle movements).

(8) The Committee heard from the following, who raised the points summarised below, to which the Case Officer responded:

*(i) Cllr Julian Taylor, North Petherton Town Council:* Drawing from his experience of the operation of the Longannet power station in Fife, Scotland, concerns about the impact on the health of residents of local estates and beyond of noxious/carcinogenic emissions (fumes and smoke) from the chimney stack (added to by exhaust emissions from vehicles using the M5); no consideration by Public Health; the application should be deferred to check the veracity of the Environment Agency's conclusions regarding safety issues; concerns about the visual impact of the development and particularly the combustion chimney on the local landscape and skyline and noise.

*(ii) Cllr Linda Hyde, North Petherton Town Council:* The lack of publicity/notification/consultation about the original and latest schemes; North Petherton Town Council's concerns; controversy over a similar proposal at Westbury, Wiltshire; the outdated nature of burning of waste which was no longer considered to be a green energy source; concerns regarding public health (air pollution, noise) and extra traffic congestion; need for further assessment of traffic movements in view of regional nature of the facility and of noise; application should be deferred for community consultation exercise and fuller consideration of impacts.

*(iii) Nick Leaney, Aardvark EM Ltd, Agent:* The application sought to regularise the current planning position into a single new consent to capture the various permissions granted since the principle of development on this site was established in 2015; construction was well advanced and following commissioning the plant should be fully operational in early 2022; an application had been made to the Environment Agency for a relevant EA permit and a draft permit had now been issued; the planning system should assume this regulatory regime would operate efficiently in controlling the environmental effects of the scheme; factors behind site selection; an assessment of the scheme.

(9) The Committee also heard from Cllr Bill Revans, County Councillor for the North Petherton Electoral Division who referred to: the strong fallback position for the applicant in the event of the application being refused; community consultation; the transport implications in the context of the wider impact of extensive local development; monitoring, benchmarking, analysis of public health impact and



action in the event of air quality deteriorating; extension of proposed restrictions on operating hours, vehicle movements etc to reduce impacts on noise and the amenity of local residents.

(10) In responding to the issues raised by public speakers and the local County Councillor the Case Officer commented that:

- there would be fewer operational journeys than under the existing planning permission as due to the omission of the MRF the feedstock waste would already have undergone sorting and removal of recycleables off-site
- while the ERF might operate 24 hours a day, delivery vehicle movements would be restricted
- air quality would be monitored/controlled by the Environment Agency through the Environmental Permit and should not be duplicated through the planning permission
- the current application had been subject to normal consultation procedures - i.e. consultations with the District Council, Parish Councils, internal and external consultees, notification of local residents etc.

(11) The Committee proceeded to debate and determine the application. Cllr Caswell, seconded by Cllr Pullin, moved and the Committee RESOLVED:

(a) That planning permission be GRANTED subject to the completion of a legal agreement to secure implementation of a travel plan and associated fee of £2,000 and the conditions set out in section 9 of the report

(b) 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 and Development.

(The meeting ended at 2.42pm)

CHAIR